

# City of HIGH POINT

## code assessment

Public Review Draft - June 2009



# CLARION



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# PART 1: INTRODUCTION

## 1.1 PROJECT DESCRIPTION

This is an exciting time for the City of High Point. Generally known as the “home furnishings capital of the world”, the city is seeing the furniture industry maintain its strong presence as it encourages additional growth in the downtown.<sup>1</sup> At the same time, it is diversifying its economy with newly-added businesses in health care, high tech, distribution and logistics, banking, marketing, and retail. Recent transportation and infrastructure improvements to both Business I-85 and the 311 Bypass, and the planned Federal Express air freight hub at the Piedmont Triad International Airport mark the city’s emerging role as a center for commerce in the Piedmont Triad. High Point University continues to grow and Guilford Technical Community College expands its footprint. As High Point’s economic base grows, so too has its population. According to the High Point Planning and Development Department, the city’s population was 100,442 as of April 1, 2009, an increase of over 36,000 persons since 1980. With its improving economic prospects and affordable cost of living, High Point is an attractive place to live for those moving to the Sunbelt.

Despite these recent successes, however, numerous challenges remain. High Point’s role as a major industrial center focused on the production of textiles has declined in recent decades. This decline has led to job losses and shuttered plants within the city’s industrial areas. Some parts of High Point are undergoing redevelopment related to the city’s economic diversification, but this redevelopment is not always compatible with its existing context, leading to an erosion of community character. Still other portions of the city’s urban neighborhoods suffer from chronic underinvestment. Furniture showrooms continue to dominate economic activity in the central business district (CBD), but the unique

character of the industry and its prevalence within the CBD results in a central core that is under-used for 10 months of the year. Business and service uses typically found in a central business district have migrated to the commercial corridors extending out from the CBD, making it more difficult to establish a vibrant, mixed-use central core with a strong sense of place. Development outside the core city occurs at a fast pace, but often takes the form of lower-density, single-use residential subdivisions and narrow, auto-oriented commercial corridors – impeding the establishment of functional neighborhood units served by proximate neighborhood-serving retail and service uses. The series of recent droughts have highlighted the need for development patterns that better respect environmental features and embrace effective stormwater management practices.



Photo Courtesy of the Economic Development Department, City of High Point

Downtown High Point hosts the bi-annual International Home Furnishings Market, where more than 170,000 people a year come to buy or sell home furnishings and related services.

<sup>1</sup> According to *The Economic Impact of the Home Furnishings Industry in the Triad Region* (prepared by High Point University), High Point has more than 12 million square feet of furniture showroom space located in 188 separate buildings.

The city is aware of these challenges and is taking steps to address them. In 2000, the city adopted its Land Use Plan for the High Point Planning Area (LUP) and future land use map. The LUP focuses on encouraging better environmental protection, addressing the need for affordable housing, ensuring the city's residents are well-served by public facilities, and addressing the growth patterns in outlying areas.

In 2007, the Core City Plan was adopted. The plan provides policy guidance to redevelop and revitalize the core city – the central business district, surrounding neighborhoods, commercial and industrial areas. Also in 2007, the Community Growth Vision Statement (CGVS) was completed. It sets out six major goals for future growth and development in the city, including the need to protect natural resources, improve older urban neighborhoods, create and encourage mixed-use areas, balance the needs of pedestrians with the needs of vehicles, and maintain the city's economy. In many respects, the LUP and CGVS provide policy guidance for the newer, developing areas of the city.

In recent times, High Point has begun to implement some of the identified policies in the Core City Plan. In 2008, a new Mixed-Use Center Overlay District was added to the development ordinance to allow greater pedestrian orientation and commercial services proximate to urban neighborhoods in the core city area.<sup>2</sup> In addition, a new Main Street District was adopted and applied to some of the lots lining North and South Main Street. The city has also begun efforts to restore a segment of Washington Drive—a social and commercial center for High Point's African American community throughout most of the 20th century.

As the city contemplates additional implementation efforts, Clarion Associates was retained to assist staff in evaluating the current development ordinance. First, Clarion was asked to evaluate whether and to what extent the city's current development ordinance is in need of update, given the policy direction in the city's plans (the Core City Plan, the Community Growth Vision Statement, the Land Use Plan) and current "best practices" in current land development regulation. In addition, Clarion was asked to identify the benefits of a code update.

Clarion Associates is a national zoning, planning, and growth management consulting firm with offices in North Carolina, Florida, and Colorado. The firm has significant experience and expertise in updating development codes in communities similar to High Point.

#### **HIGH POINT COMMUNITY GROWTH VISION STATEMENT:**

"High Point's future growth will respect natural and historic resources, encourage Core City redevelopment, insure an efficient use of land, promote mixed-use centers and traditional neighborhood development, support alternative modes of transportation, and accommodate a diverse and strong economy"

#### **PROJECT FOCUS:**

This code assessment project is focused on answering two key questions:

- 1. Does the city's current development ordinance need to be updated?**
- 2. What benefits (if any) would result from updating the development ordinance?**

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<sup>2</sup> Text Amendment 08-02 establishing the Mixed-Use Center Overlay District and the Main Street District was adopted by the City Council on March 17, 2008

## 1.2 WORK PROGRAM AND SCHEDULE

### A. WORK PROGRAM

The work program for the project involves two main tasks. They are:

- Task 1: Project Initiation and Scoping (completed); and
- Task 2: *Code Assessment* (current task).

Task 1, Project Initiation and Scoping involved:



- Our independent review and evaluation of the city's Core City Plan, Community Growth Vision Statement, current Land Use Plan, current development ordinance and other relevant city documents;
- Several days of meetings and interviews with staff from various city departments, including planning, enforcement, engineering, public works and community development to hear how the current code works and does not work, as well as what actions need to be taken to implement the city's land use policy;
- A day of interviews with 20 stakeholders (including local developers, builders, architects, attorneys, elected officials, real estate professionals, and citizen activists) to learn, from their perspective, what works and does not work in the current code, and what modifications they believe would make the code better;
- Discussion sessions with the Planning and Zoning Commission and the Advisory Committee established for this code assessment project;
- A day of staff-led reconnaissance of the city to see how development issues are playing out; and
- Preparation and administration of a citizen preference survey to interested citizens. (Additional information and results of the citizen preference survey are included in Appendix A of this code assessment).

This code assessment is the product of Task 2. It serves as a basis to frame community discussion around the two issues evaluated in the assessment: First, whether and the extent to which the city's current development ordinance is in need of an update, given the policy direction in the city's plans (the Core City Plan, the Community Growth Vision Statement, the Land Use Plan) and "best practices" in current land development regulation. And second, what the benefits of a code update would be for the city.

The code assessment is organized into two main sections: a diagnosis and an annotated outline. The diagnosis portion identifies five key themes that, based on the policy direction established in the city's plans and general "best practices" in development regulation, suggest that the city's development ordinance is in need of update. It also discusses the benefits to the city from undertaking a comprehensive update.

The annotated outline portion of the document builds on the diagnosis by providing a snapshot of how an updated

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The citizen preference survey presented a series of images and asked respondents to indicate their preferences and why. Results of the survey are included in Appendix A.

development ordinance might be structured in light of the suggestions discussed in the diagnosis. Together, the diagnosis and annotated outline detail what portions of the current regulations could be improved, how they might be improved, and what benefits would result.

## **B. SCHEDULE**

This project began in mid-summer of 2008. Task 1, *Project Initiation and Scoping*, was completed in October 2008. This code assessment and an accompanying executive summary will be considered by the Advisory Committee, Planning and Zoning Commission and City Council between June and August 2009. Any actual revision of the current development ordinance would take place following City Council's review of this code assessment and future direction.

## **1.3 REPORT ORGANIZATION**

The code assessment is organized into three main parts: Part I: *Introduction*, Part II: *Diagnosis*, and Part III: *Annotated Outline*. There is also an appendix to the document.

### **A. PART 1: INTRODUCTION**

This Introduction contains four subsections:

- *Project Description*, provides a description of the code assessment project and its anticipated results;
- *Work Program and Schedule*, outlines the work program and schedule for the project;
- *Report Organization*, explains how the code assessment is organized; and
- *Context*, provides relevant background and context about High Point for the project.

#### **CODE ASSESSMENT STRUCTURE:**

- [Part I: Introduction](#)
- [Part II: Diagnosis](#)
- [Part III: Annotated Outline](#)
- [Appendices](#)

### **B. PART 2: DIAGNOSIS**

As discussed earlier, the diagnosis serves as a basis to frame community discussion about what changes need to be made to the current development ordinance for the city to achieve the policy goals expressed in city plans and other relevant policy documents. It incorporates current “best practices” in land development regulation that will improve development review. The diagnosis discusses the potential benefits to the city from undertaking these changes.

Five key issues are identified that suggest the current development ordinance is in need of update:

1. Make the code more user-friendly;
2. Implement the Core City Plan;
3. Protect and revitalize neighborhoods and gateways;
4. Promote livable and sustainable development in greenfield areas; and
5. Create additional flexibility and incentives.

## C. PART 3: ANNOTATED OUTLINE

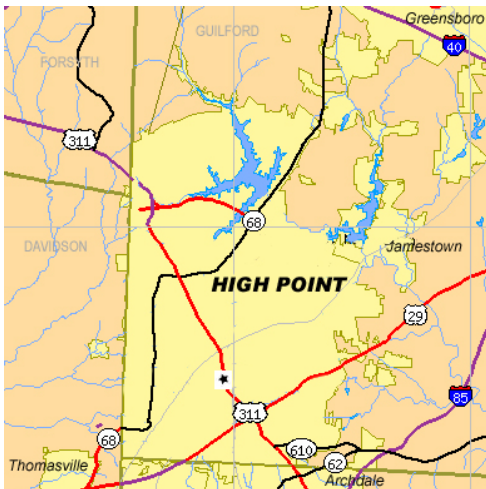
The annotated outline section follows the diagnosis. The annotated outline provides city officials, staff and citizens with a general understanding of the proposed structure of a new development ordinance document if the issues identified in the diagnosis are addressed. More specifically, the annotated outline sets out a proposed structure for a new development ordinance and provides commentary explaining the purpose and scope of each chapter and section.

## D. APPENDICES

The Appendices to the code assessment include supporting information related to the diagnosis or annotated outline.

- Appendix A presents the results of the Citizen Preference Survey that was conducted with High Point residents in September 2008.
- Appendix B presents a matrix evaluating the policies, goals, and objectives from the Core City Plan, Community Growth Vision Statement, and the current Land Use Plan, whether they are implemented in the current code, and if not, how these policies might be implemented in a revised development ordinance.
- Appendix C includes a section-by-section analysis of the current development ordinance identifying specific changes and revisions that need to be made to achieve project goals established in the diagnosis.
- Appendix D includes some examples of how graphics might be integrated into an updated development ordinance as a means of conveying regulatory concepts quickly to code users and the public.

## 1.4 CONTEXT



High Point is located in the southwestern corner of Guilford County, but occupies land within three other counties.

### A. OVERVIEW

High Point is one of the cities making up the Piedmont Triad region of North Carolina. High Point's name comes from its location on the highest point (904 feet above sea level) on the early North Carolina Railroad that ran between Charlotte and Goldsboro.

It is centrally located in the state and occupies the southwest corner of Guilford County, as well as small portions of three other counties (Forsyth, Davidson and Randolph). The city's corporate limits encompass over 50 square miles in area, and the Land Use Plan plans for an area 92 square miles in size.<sup>3</sup> The city sits within two separate watersheds, the Yadkin-Pee Dee and the Cape Fear River Basins. Over 80 percent of the city's land area is located within one of several state-designated water supply watersheds. It is well-served by three interstates (Interstate 85 (Business), Interstate 40 and the 311 Bypass (Future Interstate 74)), state highways, rail, and the Piedmont Triad International Airport to the north.

The city's population in April 2009 was just over 100,442.<sup>4</sup> The estimated 2007 median household income was \$42,945, and the

<sup>3</sup> The Land Use Plan.

<sup>4</sup> City of High Point Planning and Development Department.

median home value was \$137,000 (both close to the state average).<sup>5</sup> Recently, High Point has had a fast rate of growth, with the number of building permits for new single-family homes outpacing the North Carolina annual average every year from 1997 to 2006.<sup>6</sup>

According to the Land Use Plan, over 45 percent of High Point's planning area (41.8 square miles) is designated for "low-density" residential development of five units an acre or less. Only 6.7 percent of the planning area (6.13 square miles) consists of higher-density residential development at more than five units an acre. In contrast, over 20 percent of the city's planning area (18.7 square miles) is designated for industrial uses; office and commercial uses occupy less than seven percent of the land. High Point is a city composed primarily of low-density residential development with a significant amount of industrial land use.

## **B. HISTORICAL DEVELOPMENT<sup>7</sup>**

High Point was settled in the mid 18th century by Quaker and German immigrants who were seeking religious freedom. The settlement remained a quiet farming community until the mid-1800s. In 1849, the North Carolina General Assembly chartered the North Carolina Railroad Company as well as the Fayetteville and Western Plank Roads. Completed in 1853, these three major transportation arteries intersected in the community that would become High Point. Following their completion, the area grew quickly, both in population and economic activity. The community was officially incorporated as High Point on May 26, 1859, with boundaries established one mile from the crossing of the Plank Roads and the railroad in each of the cardinal directions. High Point's central location and well-connected transportation network spurred rapid economic growth in the transport of cotton, lumber and processed goods, as well as the manufacturing of tobacco, wood products and textiles. Warehouses, stores and factories were built on the blocks proximate to the train depot along what became Main Street.



The historic 1908 High Point train depot is located in the center of the city along the original rail line.

These transportation networks played a critical role for the South during the Civil War. Many of the necessary supplies, including rifles and clothing, were shipped through the city to support troops in Virginia and other parts of the south. In addition, Camp Fisher, a major training camp for southern soldiers, was located near the railroad. Though Camp Fisher was closed in the middle of the war, High Point retained a prominent role during the Civil War as a transportation hub and the location of a hospital for Confederate soldiers.<sup>8</sup>

After the Civil War, Captain Henry Snow, a northern soldier and entrepreneur, recognized the town's potential as a manufacturing center and began manufacturing wagon spokes, axe handles, and thread bobbins in High Point - employing over 500 workers by 1888. Textile mills were also established after the war, and tobacco became a big business. By 1888, High Point's population was around 2,400.

In 1889, Ernest Snow, Captain Snow's son opened the High Point Furniture Company with a work force of 25 men. Thanks to the ready supply of inexpensive lumber, a regional market for cheap furniture, and a skilled

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<sup>5</sup> American Community Survey. Available on line: <http://www.census.gov/acs/www/index.html>.

<sup>6</sup> City Data. Available on line: <http://www.city-data.com/city/High-Point-North-Carolina.html>.

<sup>7</sup> The majority of the information in this section comes from two speeches given by Barbara Taylor, the President of the High Point Museum: "High Point and Transportation." in 2004 and "A History of High Point." in 2005. The text of both is available on line at: <http://www.highpointnc.com/history.html> and [www.high-point.net/150th/AHistoryofHighPoint.pdf](http://www.high-point.net/150th/AHistoryofHighPoint.pdf).

<sup>8</sup> The Barbee Hotel was converted into a hospital and treated over 5,700 Confederate soldiers from 1863 to 1865.

workforce, the furniture industry boomed, turning High Point from a small town into an industrial city. By 1910, there were 9,500 residents in the city and the population increased to 14,000 by 1920.

The textile and furniture industries sustained High Point's economy through the early part of the 20th century. In 1919, the Southern Furniture Exposition Company built a permanent exposition building in the city, two blocks south of the railroad depot. The 10-story building opened in 1921, and laid the foundation for High Point becoming one of the premiere furniture markets in the world. In 1919, the High Point Hospital was chartered and High Point University opened in 1924, furthering the city's progress. By 1924, High Point was the sixth largest municipality in the state.

During World Wars I and II, the furniture companies converted production to airplane propellers and wagon parts for the war effort; and the textile manufacturers produced apparel for the troops. Other buildings were also converted to government space for war operations.

After the wars, High Point's manufacturing and furniture industries resumed work and helped maintain the city's thriving economy. Businesses that supported the manufacturing and furniture industries also thrived. Photography studios (that photographed the products for furniture shows), container companies (that boxed the goods), veneer and fabric manufacturers, and trucking companies that shipped the products all flourished. In the 1950s, the Southern Furniture Exposition Building expanded, and other furniture showrooms began to gain stature, both in size and importance, leading these companies to be one of the dominant forces in the American furniture industry. In the 1980s, changes in the furniture industry and competition from other cities led to a number of changes in the High Point Market, including the renaming of the Southern Furniture Market to the International Home Furnishings Market in 1989.

In the 1990s, the economy changed with the decline of both the textile industry and furniture production. The closings of the local mills and manufacturing plants took a heavy toll on the city's economy. Fortunately, recent city efforts to attract new industries to the area, combined with the expansion of the furniture market component of the economy—including the addition of massive new showrooms, new temporary exhibit spaces, and a new state of the art transportation terminal for market-related visitors—has allowed the city a number of economic development successes.<sup>9</sup> The High Point International Home Furnishings Market attracts over 170,000 persons each year, and the city's 12 million square feet of showroom space is used by more than 2,000 exhibitors, in 188 separate buildings. The city has also continued to diversify its economy, expand its transportation networks, and attract new companies in biotechnology, marketing and logistics, and retail.



The International Home Furnishings Center occupies an entire city block and includes over 3.5 million square feet of interior space devoted to the sale of home furnishing products.

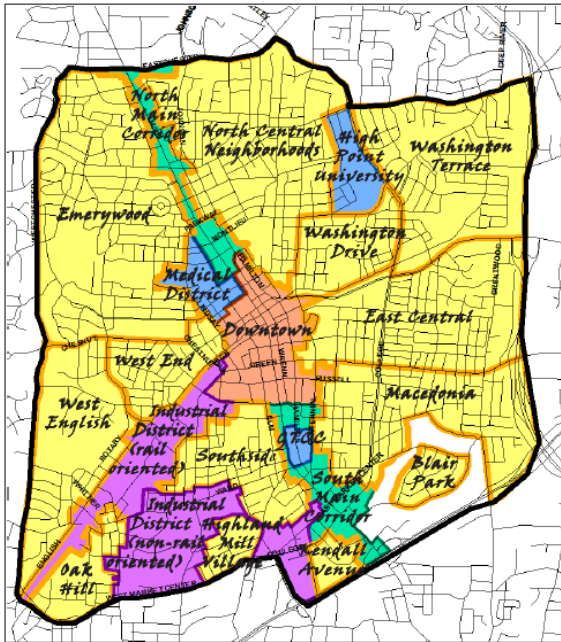
## C. DEVELOPMENT TEMPLATE

Today, the development template in High Point can best be described as “dual, or tri-personality,” consisting of the core city (or urban area), suburban areas, and a few rural lands to the north, west and southeast.

### 1. The Core City

The core city is the oldest and most-densely developed portion of the city. It includes the central business district, the most intensely developed portions of North and South Main Street, the industrial

<sup>9</sup> High Point Economic Development Corporation 2007 Annual Report. Available on line: <http://www.high-point.net/edc/2007annrpt.pdf>.



The Core City area of High Point as defined by the Core City Plan.

areas to the southwest of downtown, High Point University, and the surrounding 13 neighborhoods. Most of this portion of the city is “built-out”, and little available vacant land exists. As a result, most of the development in this area will come from redevelopment.

In general, this area includes the city’s oldest structures and is laid-out on a grid street pattern. It is fairly compact and contains one-third of the city’s population – housed primarily in single-family homes constructed between 1930 and 1970 on lots between 6,000 and 12,000 square feet in area.

The central business district (CBD) is occupied primarily by furniture showrooms and other structures that have been converted to showroom use. There are numerous examples of human-scaled, fine-grained architecture (both new and old), but many furniture showrooms do not have windows or storefronts, resulting in monolithic building forms that are not pedestrian-oriented. Another key characteristic of the CBD is the lack of housing or resident-serving businesses and the resulting lack of pedestrian or vehicular traffic. There are numerous examples of multi-story structures in the CBD, but building heights rapidly decline with distance from the CBD, with most structures being three stories or less outside the CBD.

As a result of the furniture industry’s dominance of the CBD, many of the functions associated with a typical central business district have relocated to lots lining North and South Main Street. While there are some good examples of pedestrian-oriented architecture, in many cases, structures on these lots remain fairly low-rise, dispersed, and interrupted by auto-oriented uses with surface parking between the building and the street. This combination of auto-orientation and linear form prevent meaningful use by pedestrians, and make it difficult to establish a vibrant civic center for the city.

Industrial uses are generally concentrated southwest of the CBD on lots that are fairly small by modern standards. In many cases, residential uses that serve as worker housing are located adjacent to and, in some instances, even surrounded by the industrial uses. In some cases, the proximity of these incompatible uses leads to disinvestment or other land use conflicts.

The neighborhoods to the east of the CBD have suffered from a long period of under-investment. Other historic neighborhoods to the north consist primarily of fairly well-maintained, small single-family homes. Despite being organized on a grid street pattern, much of the development in these core city neighborhoods consists of residential areas that are adjacent to, but not well-connected to retail and commercial uses.

## 2. Suburban Areas

Extending out beyond the core city are primarily suburban areas. They are very similar to many post-WWII, segregated-use, auto-dependent suburban areas developed in the United States since 1950. The suburban areas are often characterized by a curvilinear street system that is not well connected. Residential uses are organized into tracts of single-family homes on larger lots and multi-family structures located between or adjacent to commercial development lining primary transportation corridors. Interestingly, this portion of High Point has considerably more multi-family and higher density residential development than is found in the core city. In addition, suburban sites are often developed with little or no regard for existing vegetation or topographic conditions. It is fairly common practice to clear and “mass grade” sites intended for development. While this approach does aid in attaining maximum densities, it also results in a landscape with little mature vegetation or topographic relief.

The northeastern corner of the city has seen the sustained growth of light industrial development and office-park development typically in the form of large parks or campus-like settings. It is due in part to the growth and development associated with Piedmont Triad International Airport (PTI), which is located nearby. Commercial and retail development typically follow a linear pattern in this area, choosing to locate along major transportation corridors on lots fronted by surface parking.

Most of the city’s gateways are located within the suburban area of High Point. These include:

- Eastchester Drive (NC 68);
- West Wendover Avenue; and
- Interstate 85 (Business).

While the city has had some success with its scenic corridor overlay along portions of Eastchester Drive (NC 68), the city’s gateways do not differentiate it well from adjacent communities.

Some of the challenges facing new development in this part of the city are the state’s watershed development regulations, and their potential for encouraging lower-density land-consumptive suburban development (due in part, to the



Photo Courtesy of the Economic Development Department, City of High Point

Piedmont Centre is an example of one of the suburban industrial/office parks being established in the northeast corner of the city near PTI.



The suburban portion of the city contains more examples of high-density residential use than the core city.

requirements for limitations on impervious surfaces as a means of protecting water quality). Loss of open space is also a challenge as more and more people move to the city.

### 3. Rural Areas

In addition to its suburban areas, there are some rural parts of High Point in the city's extreme northwest, west and southeast. These portions of the city are characterized by large stands of second or third growth trees, agricultural uses, and isolated residential uses on large lots or within small subdivisions that are not served by public facilities. Many of these areas are now under pressure for development. However, the city has continued to ensure these areas remain at very low densities through its Future Growth Area land use designation and utility extension policies. In many cases, these areas are extremely important for maintaining water quality for the region and need additional protection in the future.

## D. CITY PLANS AND GOALS

As discussed earlier, there are three key planning documents that establish policy direction for High Point's future growth and development. They are:

- The Land Use Plan for the High Point Planning Area;
- The Core City Plan; and
- The Community Growth Vision Statement.

Each are summarized in the following paragraphs.

### 1. Land Use Plan for the High Point Planning Area

High Point's Land Use Plan (LUP) was adopted in April 2000. The plan communicates long-term development goals and seeks to guide the future development of the city (in coordination with the city's Thoroughfare Plan and other long-range planning documents). The plan identifies four key policy areas, and all goals and objectives fit within one of these four policy areas. They are:

- Environmental protection;
- The preservation of established neighborhoods;
- The adequate provision of public services and facilities; and
- The impact of continuing urban growth.

The plan identifies three primary areas where additional efforts are needed with respect to environmental protection: existing tree preservation, protecting additional open space areas for recreational purposes, and addressing the potential for urban sprawl that may be an unintended consequence of the extensive watershed protection provisions mandated by the state.

Two primary areas are identified with respect to the preservation of existing neighborhoods: a greater need for affordable housing (especially apartments), and a greater need for infrastructure and investment in residential structures within the city's established urban neighborhoods.

The plan includes discussion about ensuring availability of basic public services (streets, water, sewer, and storm drainage) through provision by developers



The Land Use Plan for the High Point Planning Area.

during the site plan and subdivision processes. The plan also considers the current availability of park and recreation facilities<sup>10</sup> and school overcrowding.

The plan discusses three areas related to the continuing impact of urban growth that may be addressed, in part, by changes to the development regulations. One is that additional areas need to be made available for higher-density residential uses, and that multi-family uses need to occupy a larger share of the total number of housing units across the city. A second is the need for more design-related provisions along major gateway streets and travel corridors to address issues like tree canopy cover, screening of commercial, industrial, and outdoor uses from adjacent residential uses, and an increased use of “transitional” land uses like office and multi-family development to separate areas of single-family residential development from incompatible development. Finally, the plan cautions that development standards should remain high, but not so high as to frustrate or diminish market forces for new development.

Also related to continuing urban growth, the plan sets out two focal areas intended as target areas for future growth. They are both in the northwest quadrant of the city in the NC 68/Clinard Farms Road area. The plan expects that lots along NC 68 will develop as nonresidential and that the lots in the Clinard Farms Road area will develop with residential uses. The plan sets a minimum development size of 25 acres for these areas, requires new development to take the form of planned development, and includes criteria for evaluation of rezonings that relate to compatibility with adjacent areas and sensitivity to the natural environment.

The plan also establishes five neighborhoods that are identified as target areas for revitalization. All of these areas are addressed by more detailed recommendations in the Core City Plan. In addition to these five neighborhoods, the plan establishes the idea of neighborhood conservation areas, and even establishes some criteria for designation.

Finally, the plan includes some design criteria that address several issues. One is where there are proposed rezonings of office or commercial developments that border residential neighborhoods. A second is some locational criteria for the Traditional Neighborhood (TN) District (which has not been widely used up to this point).

More detail on the LUP policies is identified in the plan compliance evaluation matrix included in Appendix B. The matrix identifies the goals and strategies of the LUP that are relevant to an update of the development ordinance, and how these goals and strategies can be implemented by a new development ordinance.

## 2. Core City Plan

The Core City Plan was adopted by the City Council in February 2007. It provides a framework for improving and revitalizing High Point’s central core area (See map on Page I-8.) physically, economically and socially through long-range policy direction related to growth and development. This document serves as the broad growth policy



The High Point Core City Plan.

<sup>10</sup> The Comprehensive Recreation Master Plan was prepared after the Land Use Plan, and is the current source of policy guidance with respect to park and recreation issues.

guide for development and redevelopment in the central core area of the city. The plan's recommendations are organized into five main areas. They are:

- New districts;
- Neighborhood protection strategies;
- Design standards;
- Community form standards; and
- Economic development approaches.

Initially, the Core City Plan recognizes that the city's current development ordinance which was adopted many years ago for a young and growing High Point, with significant vacant lands in the core city area, is outdated, and in many respects impedes the revitalization and redevelopment needs of the mature, built, core city. In addition, the plan recognizes the current development ordinance does not adequately address the changing economic dynamics of the core city area. Consequently, the plan concludes that if the city is going to encourage revitalization and redevelopment in the core city area, a number of changes need to be made to the current development ordinance.

Initially, there are recommendations that the city adopt a number of new zoning districts for the core city area. They are directed at a number of important goals: the changing economics of the core city area; revitalization of the central business district; protection and enhancement of the university and other institutions in the downtown; and the establishment of higher density, mixed-use development in targeted centers. These districts include:

- A new showroom district, which would be the only area where new showrooms will be permitted;
- A new downtown mixed-use district that will prohibit new showrooms in favor of uses more traditionally found in a downtown;
- A series of additional mixed-use overlay districts within eight different neighborhood centers;
- An institutional district intended to promote a unified "campus" character for areas within and around High Point University (HPU), Guilford Technical Community College (GTCC), and High Point Regional Hospital; and
- A new industrial district intended to make industrial sites more attractive and compatible with their surroundings.

The plan also recognizes the need to revitalize and protect the character of established neighborhoods in the core city. In an effort to achieve this goal, it includes recommendations that the development ordinance be revised to allow for: a wider variety of residential use types at higher densities in the residential districts; establishment of new residential design standards; allowance of small-scale, low-intensity, neighborhood-serving commercial and nonresidential uses within neighborhoods on lots at key intersections; and a series of tools to better protect established character (e.g., infill design standards and neighborhood conservation overlays).

Finally, the Core City Plan sets out other recommendations that will require amendments to the city's current development ordinance, including:

- Revised district setback, lot size, frontage, and lot width requirements for several districts to recognize the mismatch between the district requirements and existing conditions as a means of promoting flexibility and redevelopment;

- Application of zoning district overlays that modify dimensional standards in different neighborhoods within the same zoning district to provide more flexibility and respond to differing contexts;
- New design standards for commercial and mixed-use buildings to recognize and reinforce the urban character of the core area and promote greater pedestrian orientation;
- Establishment of pedestrian and vehicular circulation provisions that place greater emphasis on pedestrian orientation, traffic calming, and vehicular connection; and
- Modernization of the city's parking provisions to allow additional flexibility and incorporate new standards for structured parking.

As mentioned previously, the city started the implementation process through the adoption of a new Main Street mixed-use district for the lots lining Main Street to the north and south of the central business district. The district is intended to restore traditional downtown uses to the city core. The city has also adopted the first of several mixed-use center overlay districts for the neighborhood centers identified in the Core City Plan. The Washington Drive Mixed-Use Center overlay district establishes new use and design provisions intended to foster higher residential densities and new mixed-use development to serve the surrounding neighborhood. Work has also begun on a new overlay district for furniture showrooms called the Market District.

Most of the policy directives in the Core City Plan can only be achieved by updating the city's development ordinance, and much remains to be done to implement the plan's recommendations. More detail on the Core City Plan, including a detailed list of the plan's recommendations and strategies is included in the matrix in Appendix B. The matrix includes how these recommendations and strategies could be implemented through a development ordinance update.

### 3. Community Growth Vision Statement

In 2007, along with the Core City Plan, the City Council adopted the Community Growth Vision Statement (CGVS). The CGVS creates a vision for the city's future growth and development, establishing a foundation for more focused and detailed plans, policies, and programs that aim to achieve the established vision. The document establishes an overall vision statement, followed by a series of goals and objectives related to six key issue categories: natural and cultural resources, neighborhoods, mixed-use centers, downtown, transportation and the economy.

#### Design Principles: Urban & Mixed-Use Infill



A page from the Core City Plan that demonstrates differing design standards to be applied to infill development. These kinds of provisions are not present in the city's existing development ordinance.

The goals for the CGVS are to:

- Preserve important natural and cultural resources;
- Improve older urban neighborhoods while ensuring better future neighborhoods;
- Create more mixed-use areas while reinforcing existing ones;
- Make downtown a vibrant, diverse and mixed-use environment;
- Balance the needs of vehicles with the needs of pedestrians and alternative transit modes; and
- Diversify and strengthen the city's economy.

The CGVS includes over 30 objectives to help the community achieve the goals and the expressed Vision Statement. Additional discussion on some of these key objectives and how the development regulations might address them is outlined in Appendix B.

# PART 2: DIAGNOSIS

## 2.1 SUMMARY

As discussed in Part I, this code assessment is intended to explore two questions. First, given the policy direction in the city's plans (the Core City Plan, the Community Growth Vision Statement, the Land Use Plan) and "best practices" in current land development regulation, is the city's current development ordinance in need of update; and second, if so, what are the benefits? Following a review of the city's adopted plans, interviews with elected officials, appointed officials, key stakeholders, and city staff, as well as our independent review of the current development ordinance, it appears there are a number of reasons the city's current development ordinance is in need of an update. There also appears to be a number of benefits to the city if such an update is undertaken. The key reasons for an update are organized around five themes or benefits that the city might obtain from an update to the development ordinance. They are:

- Make the code more user-friendly;
- Implement the Core City Plan;
- Protect and revitalize neighborhoods and gateways;
- Promote livable and sustainable development in greenfield areas; and
- Create additional flexibility and incentives.

The overriding thread that runs through each of these themes is that it is important the city's development regulations recognize there are both urban (the core city area) and suburban areas in High Point. The land use and development/redevelopment goals in each area is different. Consequently, the development standards and regulations for the urban and suburban areas of the city should be different.

Each theme is highlighted below and then discussed in greater detail in the balance of the diagnosis section.

### KEY BENEFITS FROM A CODE UPDATE:

1. Make the Code More User-Friendly;
2. Implement the Core City Plan;
3. Protect and Revitalize Neighborhoods and Gateways;
4. Promote Livable and Sustainable Development in "Greenfield" Areas; and
5. Create Additional Flexibility and Incentives

### A. BENEFIT ONE: MAKE THE CODE MORE USER-FRIENDLY

Based on comments from stakeholder interviews, there is a general consensus that the current development ordinance is not user-friendly. If comprehensively updated it could be made more user-friendly in numerous ways, such as:

- Creating a more logical organization of the code, where all procedures are consolidated into one section, the regulations related to zoning districts are better consolidated and integrated, and the development standards are consolidated into one chapter;
- Using more graphics and illustrations – we are strong believers in the old adage that "one picture is worth 1,000 words"- they make a code more user-friendly;
- Replacing the SIC-based approach to uses with a more modern, use-based approach;
- Clarifying code language;
- Simplifying the way uses are classified;

- Adding several new procedures that should make the development review process more efficient (a conditional rezoning procedure, a development agreement process, a new planned development procedure, and a zoning compliance permit);
- Adding a set of common review procedures that apply to all application types; and
- Incorporating the procedural changes that the city is currently considering as a part of its review of the development review process.

## **B. BENEFIT TWO: IMPLEMENT THE CORE CITY PLAN**

In February 2007, the city culminated its efforts to rethink and provide policy direction and vision for redevelopment and revitalization of High Point's older, built areas when it adopted the Core City Plan. Underpinning the plan was recognition that the city's current development ordinance was too "suburban" in nature and did not and would not work to encourage and, in some instances, even allow the desired types of redevelopment envisioned for the core city area. Consequently, much of the policy direction provided in the plan focuses on re-tooling the current development ordinance to address the needs of the core city area. Policy direction in the plan recommends a variety of modifications to the development ordinance:

- Allow higher densities and more use-mixing in the core city to encourage redevelopment;
- Establish a new zoning district in the city core to accommodate continued furniture showroom development (Market District) as well as a new zoning district intended to revitalize the downtown with uses like high-density residential, retail, office, and entertainment (Main Street District);
- Establish a new zoning district or districts to accommodate mixed-use centers at key intersections around the core city area to provide neighborhood-serving nonresidential and higher density residential use types (Mixed-Use Center Overlay District);
- Establish a new zoning district for the major institutions in the core city (High Point Regional Hospital area, High Point University, and Guilford Technical Community College) to address the long term growth and compatibility of these uses;
- Place an increased emphasis on development form through new design standards and flexible dimensional requirements, while reducing emphasis on use by providing a broader array of allowable uses;
- Preserve and protect established neighborhood character through transitional standards, infill design standards to ensure new development is consistent with existing context, and conservation overlay districts to maintain existing community character;
- Improve the pedestrian environment along key corridors and within neighborhood centers through new community form standards to address sidewalk connections, traffic calming and on-site pedestrian circulation; and
- Modify the development standards (parking, landscaping, etc.) to better recognize the core city's urban character.

The city has started to address some of the recommendations of the Core City Plan such as the Main Street and the Washington Drive Mixed-Use Center District, but much still needs to be completed. This work could be addressed in a comprehensive way with a development ordinance update.

## C. **BENEFIT THREE: PROTECT AND REVITALIZE NEIGHBORHOODS AND GATEWAYS**

### 1. **Protect and Revitalize Neighborhoods**

The Core City Plan and the Community Growth Vision Statement place emphasis on the need to protect the physical character of and revitalize the city's existing neighborhoods. As development and redevelopment pressure increases, existing vacant and underutilized portions of the city's older neighborhoods become more attractive for development activity. While new development/redevelopment can be beneficial, when it is out of character with its surroundings, new development/redevelopment can actually have negative impacts on existing uses. There are a number of tools recommended in the Core City Plan, as well as other "best practices" in land development regulation the city could use to encourage revitalization of the neighborhoods as well as protect their character. They include:

- Transitional standards that help maintain compatibility between dissimilar land uses;
- Infill standards that ensure new development is consistent with its surroundings;
- Neighborhood conservation overlay districts that help maintain established character and context; and
- Contextual compatibility provisions that recognize and allow flexible bulk and dimensional standards based on existing neighborhood character.

They could be incorporated into the development ordinance during an update.

### 2. **Gateways**

The city's gateway corridor areas are also likely to be subject to increasing development pressures in the coming years. Development along the Eastchester Drive-NC 68 corridor has steadily increased over the last several decades as commerce associated with the Piedmont Triad International Airport and the new industrial and office parks have spurred development north of the city. Transportation improvements on the south side of the city and completion of the Route 311 Bypass will also result in increased development pressures in gateway areas to the south.

Well-designed and aesthetically-pleasing gateways are important for establishing the city's unique sense of place and promoting increased development. However, in many cases, the increased pressure for development results in additional sprawling auto-oriented development that erodes the gateway's appeal.

To address this problem, the city might develop new gateway corridor overlays that establish and maintain distinctive entrances that distinguish it from surrounding jurisdictions.

This could be incorporated into the development ordinance during an update.

## D. **BENEFIT FOUR: PROMOTE LIVABLE AND SUSTAINABLE DEVELOPMENT IN GREENFIELD AREAS**

Beyond the core city are the suburban and greenfield areas of High Point, which have been developing at a fast pace. The key policy direction provided about growth and development in this area in the Land Use Plan and the Community Growth Vision Statement is that development should be encouraged that is both livable and sustainable.

The definition of livability is location-specific, but most agree that communities where residents can meet their daily needs to live, work, shop, and play with a minimum of travel are desirable. Cities with sufficient open space resources to provide for recreational opportunities, relief from the built environment, and adequate habitat are livable. Clean air, clean water and adequate natural resources are important elements of livability.

Sustainability involves the ability of a community to meet the needs of its present population, while ensuring that future generations have the same or better opportunities. There are increasing concerns that as a society we are using resources at a faster rate than we are replenishing them and thereby creating communities that are not sustainable in the long run which will lead to fewer choices for future generations.

There are a number of different tools the city might use to achieve the goal of encouraging more livable and sustainable neighborhood development in the city's greenfield areas. They include:

- Parking regulations that reduce the amount of land consumed by parking, add flexibility and address surface lot locations;
- Landscaping standards that require use of native plants and greater species diversity, and provide credit towards landscaping requirements for protected trees;
- Broad-based open space set-aside standards aimed at protecting natural resources and providing useable open space for active and passive recreation;
- Tree protection standards that require tree canopy preservation or reforestation during the development process;
- "Mass grading" limitations where such grading would significantly alter the landscape or destroy open space features;
- Community form standards that improve connections, address streetscape appearance, and improve pedestrian and vehicular mobility;
- Commercial design provisions that improve aesthetics and promote human-scale development and pedestrian orientation;
- Basic design standards for single-family residential development that address monotony, garage-dominated landscapes, and inaccessible open space areas;
- Multi-family residential design standards that moderate potential negative impacts from higher-density development;
- Exterior lighting provisions that control glare, light overspill and lighting heights; and
- Fencing provisions to establish minimum appearance standards and limit undesirable "fence canyons" along rights-of-way.

Any of these tools could be incorporated into the development ordinance during an update to address livability and sustainability issues in the suburban and greenfield areas.

## **E. BENEFIT FIVE: CREATE ADDITIONAL FLEXIBILITY AND INCENTIVES**

Modern development codes are incorporating incentives and added flexibility as a means of accommodating new forms of development, encouraging redevelopment, allowing development on constrained sites, and providing alternative approaches to development that can result in a higher level of consistency or compliance with long range planning goals. High Point's current development ordinance already includes some flexible provisions, such as the modification process in Section 9-9-10 and administrative review of site plans and subdivisions. However, additional mechanisms are needed in light

of the policy direction in the Core City Plan and Community Growth Vision Statement. Regulations the city might consider are:

- Development standards for parking, landscaping and community form that recognize the distinct differences in development context in core city areas versus the suburban and greenfield portions of the city;
- Use of a two-tiered administrative adjustment process to allow administrative approval of minor adjustments to development standards, and more significant adjustments where the city's planning goals are achieved and compensating public benefits are voluntarily provided by the developer to offset the more-significant variation;
- Allowance of alternative forms of compliance when development proposals meet or exceed minimum development ordinance standards, subject to criteria;
- Inclusion of incentives like density bonuses, additional height, reduced parking, or landscaping for preferred development forms;
- Use of contextual dimensional standards in the core city and other strategic areas to stimulate redevelopment by minimizing nonconformities; and
- Outside the core city, linking minimum compliance with code standards on nonconforming sites to the level of redevelopment investment being made.

Sections 2.2 through 2.7 of the diagnosis discuss each of these five key themes in more detail, along with specific ways the development ordinance can be modified to achieve the identified plan goals.

An annotated outline follows in Part III. It is provided to give city officials and the public insights about how a revised development ordinance might be structured if the key themes are addressed. In some cases, a discussion of alternative means of addressing these goals is provided, along with suggestions for the best solution based on our understanding of High Point and best practices in North Carolina and nationwide.

## 2.2 KEY BENEFIT ONE: MAKE THE CODE MORE USER-FRIENDLY

### USER-FRIENDLY RECOMMENDATIONS:

- A. Enhance the Code's Structure and Organization
- B. Integrate More Graphics and Illustrations
- C. Use Tables and Flow Charts to Summarize Information
- D. Clarify Code Language
- E. Refine and Update Definitions
- F. Improve Referencing System
- G. Revise the Development Review Structure
- F. Common Review Procedures

One of the most frequently cited concerns raised by both stakeholders and city staff is that the current development ordinance is difficult to use and not very user-friendly. Generally, both stakeholders and staff agree that the structure and format of the current regulations frustrates users and city officials alike – even longtime users. One reason is the structure makes it difficult for users to locate all of the appropriate information. For example, the development review procedures are not consolidated. Instead, they are scattered throughout the code. Chapter 3 outlines procedures for obtaining a permit, but information on variances and appeals is located in Chapter 9, Administration. Also, many of the city's regulations and standards are not in intuitive locations, which makes key information hard to find and regulations more difficult to understand. The current formatting also makes the code difficult to navigate. For example, the code does not have footers, and the page headers are basic, showing only the chapter title and not the more detailed section heading. The numbering of the current code also results in awkward citations, such as 9-5-2(gggg) or 9-7-3(c)(2)b.1.iii. The code does include some tables, but in many cases, development standards are embedded as notes in these tables, further complicating the ordinance. Based on current "best practices" there are a number of ways the current code can be made more user-friendly. They are described below.

### A. ENHANCE THE CODE'S STRUCTURE AND ORGANIZATION

Relative to other development codes we have reviewed, the city's existing zoning ordinance is fairly well-organized. For example, the use and development standards are organized together, even though they are not well-integrated with the zoning district regulations. There is, however, significant room for improvement. For example, the development review procedures are not consolidated. Chapter 3 outlines procedures for obtaining a permit, but other procedures related to planned unit developments are included in Chapter 4, Zoning Districts and Uses. Development standards, including landscaping and tree preservation requirements are included in Chapter 5, but environmental development standards, including the city tree conservation standards, are found separately in Chapter 7. Watershed development regulations and procedures are both contained within Chapter 7. Having procedures spread throughout the

### PROPOSED STRUCTURE:

- Article 9.1 General Provisions
- Article 9.2 Administration
- Article 9.3 Zoning Districts
- Article 9.4 Use Regulations
- Article 9.5 Development Standards
- Article 9.6 Environmental Standards
- Article 9.7 Subdivision Standards
- Article 9.8 Nonconformities
- Article 9.9 Enforcement
- Article 9.10 Definitions

document makes understanding the process difficult and can lead to mistakes by an applicant or new staff member.

While the current ordinance does embrace the modern trend of using summary tables, many of the tables include important development standards within the table's footnotes – increasing the possibility they will be over-looked by code users.

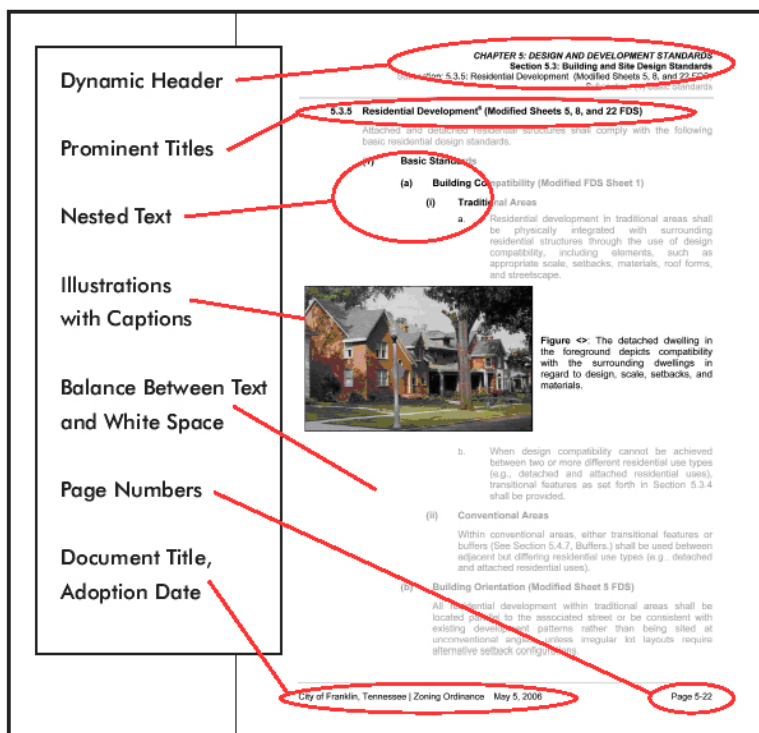
To address these concerns, and make the new code more user-friendly, we suggest the city would benefit from a reorganization of the current development ordinance that creates a logical hierarchy of regulations, based on procedural and substantive relationships. All procedures should be consolidated into one chapter; furthermore, not only should the procedures be consolidated, but provisions common to all procedures should be included in a common procedures section in the chapter. Zoning district use regulations should be modernized and consolidated into a single chapter. Development standards should be consolidated and their applicability to different types of development clarified. We also suggest relocating and consolidating the definitions into one chapter located at the back of the development ordinance, since they typically serve as a supplementary reference tool rather than as a primary source of regulatory information. The sidebar titled “Proposed Structure” on the previous page shows a proposed structure for a reorganized development ordinance.

## B. INTEGRATE MORE GRAPHICS AND ILLUSTRATIONS

Over the years, experience has taught that the way a development code “looks,” or is formatted, affects its “user-friendliness.” There are a number of formatting and related suggestions that can be applied to a development code that will also improve its “user-friendliness.” The current development ordinance now uses different font weights and indenting to create fairly clear and readable page layouts, but it could be improved through the use of other page layout techniques. Interestingly, the appendix includes a section on ordinance format, but it seems that much of the text in the current ordinance is not consistent with this format. The following suggestions are changes made by other communities that have made their codes more user-friendly. We suggest that such improvements would also benefit High Point's development ordinance.

One key way to make a code user-friendly is through illustrations and graphics. The old adage “a picture is worth 1,000 words” is certainly true when talking about communicating zoning concepts. Illustrations, graphics, and diagrams are also very helpful in development codes because they convey information concisely and in many instances more clearly, eliminating the need for lengthy, repetitive text.

The current code confines all of the graphics and illustrations to Appendix 7. Instead of locating the graphics and illustrations at the end of the code,

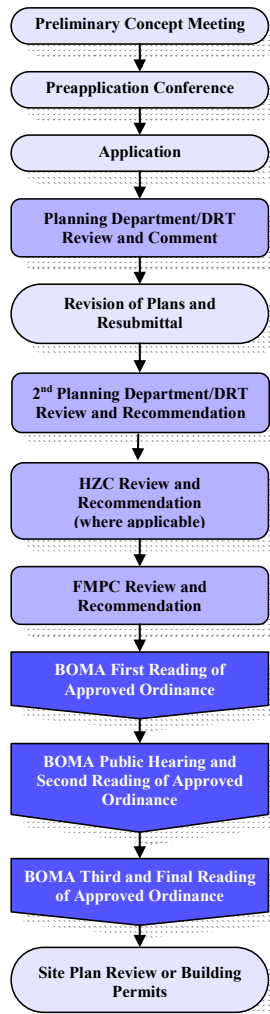


Page elements in a modern code.

Today's modern codes use a variety of techniques to orient the reader like page headers, nested text, illustrations, chapter-based page numbers and other techniques to help orient the reader.

there is an opportunity to include many more graphics and illustrations throughout the code to convey concepts and standards in the chapters as they are established. We also recommend increasing the number and type of graphics to help illustrate preferred design concepts, such as parking space dimensions, parking lot landscaping and other landscaping and screening requirements. We also suggest the new ordinance be supplemented with photographs demonstrating both preferred and discouraged development forms and patterns. Side-by-side comparisons of preferred and discouraged examples help illustrate the intent of the regulations and make the code more user-friendly. Appendix D of this code assessment includes examples of illustrations and diagrams used in other codes to convey complex regulatory concepts quickly.

### C. USE TABLES AND FLOW CHARTS TO SUMMARIZE INFORMATION



**Example process flow chart.**

Based on our experience in other communities, we have found summary tables are very helpful in presenting information succinctly and eliminating repetition and inconsistent terminology. For example, a summary use table not only reduces the number of pages required to convey the same information, it allows a user to quickly compare how a certain use is treated in different districts. Cross-references in summary tables may also be used to direct a user to supplemental regulations that apply to specific uses. While the current code uses a number of summary tables, including a permitted use schedule in Chapter 9-4, there are many other standards that would benefit from inclusion within a summary table, such as the planned development requirements, zoning district dimensional requirements, and landscaping standards.

Flow charts are becoming commonplace in modern development regulations because of their ease of use and their power to convey complex relationships. There are no flow charts in the existing ordinance.

### D. CLARIFY CODE LANGUAGE

Based on our experience, codes are more user-friendly when the code language is certain and clearly written. Standards that are unclear invite different interpretation or application and create uncertainty for development applicants as well as staff, review boards and the public. Development standards should clearly incorporate the community's development goals. If unclear or uncertain, unnecessary debate and conflict may occur over the standards applied to an individual project. There are a number of places in the existing code where standards could be clarified. The user-friendly aspects of the current development ordinance would benefit from these clarifications.

### E. REFINE AND UPDATE DEFINITIONS

A number of stakeholders indicated that some of the definitions used in the code are in need of rewriting (e.g., multi-family, two-family, and townhouse dwellings). There are also some inconsistencies in the definitions used in the current development ordinance and the building code. For the sake of clarity, all definitions in the development ordinance should be clear, precise and written in plain English.

The city's development ordinance would also benefit from the inclusion of new definitions and the modernizing of existing definitions, as appropriate. For example, terms such as buffer, xeriscape, and nonresidential condominium all need definition. All use types identified in the development ordinance should also be defined to help limit confusion; in the current development ordinance, they are not well defined.

Finally, we suggest relocating the definitions to the last chapter of the new zoning ordinance, since definitions typically serve as a supplementary reference tool rather than a primary source of regulatory information.

## F. IMPROVE REFERENCING SYSTEM

As discussed earlier, the referencing system in the current ordinance could be improved. It often results in awkward citations such as 9-5-2(gggg) or 9-7-3(c)(2)b.1.iii. It does not include page footers, and the page headers are very general—relating only to the chapter title—making it difficult for the reader to navigate through the document. In addition, cross references are not widely used. The table of contents, while moderately detailed and clear, could also be enhanced by use of greater detail.

Improvements in the table of contents, headers and footers, and the additions of cross-references enhance the usability of the code. A detailed master table of contents at the beginning of the development code and a table of contents at the beginning of each chapter is an effective way to guide users through the document. An index of topics at the end of the document, with headings and cross-references is also very useful. Detailed headers and footers highlight the section number and topic on each page (e.g., “Section 1.1, Title”) and allow a reader to quickly thumb through the development code to find a section. Cross-references assist the user in identifying the relevant regulations that apply to the particular use, development permit, or development proposal.

## G. REVISE THE DEVELOPMENT REVIEW STRUCTURE

Another way to make a development code more user-friendly is to ensure its development review procedures are as streamlined and as transparent as possible. With respect to the current development ordinance this could be done by: (1) consolidating several review procedures; (2) codifying some review procedures that are being applied in practice but are not in the existing regulations; and (3) adding several new procedures. The streamlining changes we suggest the city consider to make the development ordinance more user-friendly include:

- Authorizing the planning director to interpret the official zoning map;
- Clarifying criteria for a land use plan amendment;
- Replacing the certificate of compliance process with a certificate of occupancy; and
- Revising the temporary event permit.

The new procedures we suggest the city consider adding to the new ordinance are:

- Conditional rezoning;
- Development agreements;
- Planned development;
- Administrative adjustments;
- Tree removal permits;
- Zoning compliance permits; and
- Beneficial use determination.

The following table summarizes the proposed development review structure. It is important to note that the table describes how the proposed review procedures would operate in a revised code, not how the current review procedures operate in the current development ordinance. Discussion of the changes suggested is outlined in more detail after the table.

## PART 2: DIAGNOSIS

### SECTION 2.2 KEY BENEFIT ONE: MAKE THE CODE MORE USER-FRIENDLY

<b>TABLE 2-1: PROPOSED DEVELOPMENT REVIEW STRUCTURE</b> <sup>11 12</sup> D = DECISION    R = RECOMMENDATION    C = COMMENT    A = APPEAL    <> = PUBLIC HEARING							
PROCEDURE	REVIEW AND DECISION-MAKING BODIES						
	CITY COUNCIL	PLANNING & ZONING COMMISSION	BOARD OF ADJUSTMENT	HISTORIC PRESERVATION COMMISSION	TECHNICAL REVIEW COMMITTEE	PLANNING DIRECTOR	ENGINEERING SERVICES DIRECTOR
AMENDMENTS							
Land Use Plan Amendment <sup>13</sup>	<D>	<R>				R	
Text Amendment	<D>	<R>				R	
Official Zoning Map Amendment	<D>	<R>		R <sup>14</sup>		R	
Conditional Rezoning <sup>15</sup>	<D>	<R>			C <sup>16</sup>	R	
Planned Development <sup>17</sup>	<D>	<R>			C <sup>18</sup>	R	
SITE PLANS / SUBDIVISIONS							
Minor Site Plan	<A>					D	
Major Site Plan	<A>				D		
Minor Subdivision	<A>					D	
Preliminary Subdivision Plat	<A>				D		
Final Subdivision Plat	<A>					D	
PERMITS / CERTIFICATES							
Special Use Permit	<D>	<R>		R <sup>19</sup>	C	R	
Land Disturbing Permit <sup>20</sup>			<A>				D

<sup>11</sup> This table is a summary of all city administrative and decision-making bodies as well as the proposed permit review procedures. The Planning Director is suggested as the official authorized to interpret the ordinance and the official zoning map (instead of the BOA). These changes are proposed to streamline and simplify the ordinance.

<sup>12</sup> All recommendations made by city staff includes the preparation of a staff report along with the recommendation.

<sup>13</sup> This procedure carries forward Section 9-3-9 of the current development ordinance, but adds some criteria, and indicates that if a land use plan amendment is required prior to an official zoning map amendment, the land use plan amendment must occur first.

<sup>14</sup> The HPC provides a recommendation on applications associated with a historic district or landmark.

<sup>15</sup> This is the proposed one-step legislative conditional rezoning process discussed in Section 2.2 G. 1.

<sup>16</sup> Comments made by the TRC on conditional rezoning applications focus on infrastructure issues, and whether or not services are available.

<sup>17</sup> This is a new process for planned developments that follows the revisions discussed in Section 2.2 G. 3 of the diagnosis. The new procedure requires preparation of a master plan and a terms and conditions statement similar to current requirements.

<sup>18</sup> Comments made by the TRC on planned development applications focus on infrastructure issues, and whether or not services are available.

<sup>19</sup> The HPC provides a recommendation on applications associated with a historic district or landmark.

<sup>20</sup> We suggest the current Flood Plain Development Permit procedure in Section 9-3-3(e) be renamed the Land Disturbing Permit.

<b>TABLE 2-1: PROPOSED DEVELOPMENT REVIEW STRUCTURE</b> <sup>11 12</sup> D = DECISION    R = RECOMMENDATION    C = COMMENT    A = APPEAL    <> = PUBLIC HEARING							
PROCEDURE	REVIEW AND DECISION-MAKING BODIES						
	CITY COUNCIL	PLANNING & ZONING COMMISSION	BOARD OF ADJUSTMENT	HISTORIC PRESERVATION COMMISSION	TECHNICAL REVIEW COMMITTEE	PLANNING DIRECTOR	ENGINEERING SERVICES DIRECTOR
Tree Removal Permit <sup>21</sup>			<A>			D	
Building Permit			<A>			D	
Zoning Compliance Permit <sup>22</sup>			<A>			D	
Certificate of Occupancy <sup>23</sup>			<A>			D	
Certificate of Appropriateness			<A>	D		R	
Temporary Use Permit <sup>24</sup>			<A>			D	
Sign Permit			<A>			D	
Vested Rights Certificate	<D>	<R>				R	
MODIFICATIONS/APPEALS							
Type I Administrative Adjustment <sup>25</sup>	A					D	
Type II Administrative Adjustment <sup>26</sup>	A				D	R	
Special Exception			<D>			R	

<sup>21</sup> This is a new permit that is intended for specific cases if the city decides to adopt tree protection standards on private lands. The permit would be required if an applicant seeks to timber or clear-cut a lot or site, but has no intention to file an application for a development permit, or when an existing specimen tree is proposed for removal on an existing multi-family or nonresidential lot (if development regulations are adopted protecting specimen trees). The permit would ensure the landowner complies with any tree protection standards included in the Ordinance. The Urban Forestry Committee will be carried forward in the new UDO, and will retain responsibility for review of trees on public lands, but will not be involved in review of tree removal permits on private lands.

<sup>22</sup> This is the cross-check for compliance/consistency with the ordinance and any applicable conditions prior to issuance of a building permit or development activity in cases where no building permit is required.

<sup>23</sup> This is the certificate of compliance process described in Section 9-3-6(a), but it has been renamed to prevent confusion associated with the new zoning compliance permit. The certificate of occupancy is issued after construction is completed. The zoning compliance certificate is issued before a building permit is issued. In cases where no building permit is required, or where occupancy is not possible (e.g., a fence), the zoning compliance permit is the only permit issued.

<sup>24</sup> The temporary event permit in Section 9-3-3(f) of the current ordinance is proposed for re-naming to the temporary use permit and used to permit events and temporary uses or structures.

<sup>25</sup> This procedure renames and changes the Modification process in Section 9-9-10 in the current ordinance. The new procedure establishes two tiers of adjustments; one minor (type I) and one for larger adjustments (type II). It authorizes the Planning Director to review and decide type I adjustments and TRC to review and decide the type II adjustments. Both the type I and type II administrative adjustments may be appealed to the City Council. While the current procedure lacks a threshold for modification, the administrative adjustment procedure would include thresholds for both the type I and type II adjustment to make the procedure more predictable.

<sup>26</sup> As is discussed in the previous footnote, the type II administrative adjustment allows for larger adjustments. It also requires a sketch plan or concept plan (if not associated with a site plan or subdivision application) that is reviewed and decided by the TRC; and it requires the applicant to propose one or more "compensating public benefits" as part of the application. Compensating public benefits might be greater provision of open space, extra street connectivity, extra landscaping, higher quality of design, or some other benefits. The schedule of possible benefits is supplied in the code as a menu, and the applicant can select the one or more compensating benefits, but the TRC has ultimate approval authority. This approach can also be calibrated to geographic areas, where some modifications that would normally be type II adjustments can be treated as type I adjustments for the purpose of providing incentives for preferred development.

<b>TABLE 2-1: PROPOSED DEVELOPMENT REVIEW STRUCTURE</b> <sup>11 12</sup> D = DECISION    R = RECOMMENDATION    C = COMMENT    A = APPEAL    <> = PUBLIC HEARING							
PROCEDURE	REVIEW AND DECISION-MAKING BODIES						
	CITY COUNCIL	PLANNING & ZONING COMMISSION	BOARD OF ADJUSTMENT	HISTORIC PRESERVATION COMMISSION	TECHNICAL REVIEW COMMITTEE	PLANNING DIRECTOR	ENGINEERING SERVICES DIRECTOR
Variance <sup>27</sup>			<D>			R	
Street Name Change		<D>				R	
Appeal <sup>28</sup>			<D>			C	
OTHER PROCEDURES							
Interpretation			<A>			D	
Development Agreement <sup>29</sup>	<D>	<R>				R	
Beneficial Use Determination <sup>30</sup>	<D>	<R>				C <sup>31</sup>	
Street Abandonment	<D>	<R>			C	R	

## 1. Replace Conditional Use Zoning with Conditional Rezoning

Currently the city is considering applications for conditional rezoning requests through the quasi-judicial conditional use district rezoning process (Section 9-3-13). It is a two-step process that requires review and approval of a conditional use permit in addition to approval of a map amendment. In 2007, the North Carolina Legislature modified the rezoning legislation and authorized a one-step legislative procedure for conditional rezoning that does not require approval of a conditional use permit in addition to a conditional use district rezoning application. This streamlined approach for conditional rezoning makes the rezoning process simpler. It authorizes approval of a conditional rezoning by the elected body through the traditional legislative process, subject to the conditions of approval that would otherwise apply through a quasi-judicial conditional use permit. Many North Carolina communities (e.g., Charlotte, Greensboro, Fayetteville, Burlington, and Mooresville) have embraced the simpler, one step process. We suggest High Point's development ordinance could benefit from this change as well.

## 2. Include Development Agreements

Several years ago the North Carolina Legislature authorized local governments to enter into development agreements. Development agreements are agreements voluntarily entered into by a developer of land and a local government having land use regulatory powers over the development

<sup>27</sup> This procedure includes flood damage prevention variances. Minor watershed variances are reviewed and decided by the TRC. All other watershed variances are heard by the NC Environmental Management Commission following review by the City Council.

<sup>28</sup> Appeals are taken to the court of jurisdiction.

<sup>29</sup> This is a new provision that allows landowners to request the city to enter into development agreements related to the development of their property, subject to the requirements of the N.C.G.S.

<sup>30</sup> This is a new procedure consistent with United States Supreme Court decisions, which provides for nonjudicial relief to a property owner who believes the application of the ordinance results in a takings of his or her property.

<sup>31</sup> The City Attorney will counsel the Planning Director, the Planning and Zoning Commission, and the City Council on a request for a beneficial use determination.

of the land. Development agreements have been embraced by local governments and landowner/developers because of the increasing complexity of development proposals. They are also welcomed as planning and regulatory techniques that can be used to sensibly achieve planning and regulatory goals in the development review process. They are recognized as particularly beneficial in the implementation of development goals and conditions for large, complex developments, like planned developments, and mixed-use developments that are built-out over a number of years. This is so because the development agreement, when used in conjunction with other regulatory tools, assists the local government in clarifying such matters as the identification and management of infrastructure and public facilities, the identification and management of environmentally sensitive lands, and the coordination and staging of a development project. A development agreement process can specify the applicable development parameters, establish phasing where relevant, provide for environmental mitigation, outline how public facilities will be provided, and spell out the administration of any development conditions. They are liked by many developers because they provide greater certainty by “freezing” the application of development regulations at the time of approval unless a subsequent and serious health/safety issue arises in the community that must be addressed. We suggest the city would benefit by including a development agreement procedure in its development code, as it is a tool to help manage development.

### 3. Add a New Planned Development Process

Section 9-4-3 of the current ordinance includes four different planned unit development districts (referred to as “floating” districts): Planned Unit Development – Residential; Planned Unit Development – Mixed (intended for residential, commercial, and light industrial development);

Planned Unit Development Limited - (intended for residential, office, and commercial development)); and a Traditional Neighborhood district intended to accommodate pre-World War II-style neighborhood development with an average gross density between four and eight units an acre.



Laurel Oak Ranch is an example of planned unit development.

Section 9-4-3 sets out the development standards for uses within these districts, as well as the procedure for their establishment. Planned unit developments follow the official zoning map amendment procedure with a few modifications. The first modification is a requirement for review and approval of a sketch plan by the TRC prior to submittal of an application to amend the official zoning map. The second is that planned unit developments must also obtain approval of a unified development plan that may (but is not required to be) submitted with the application for a rezoning to the particular planned unit development district. Establishment of the PUD-TN district is slightly

different in that it is not subject to the sketch plan approval process prior to application submission.

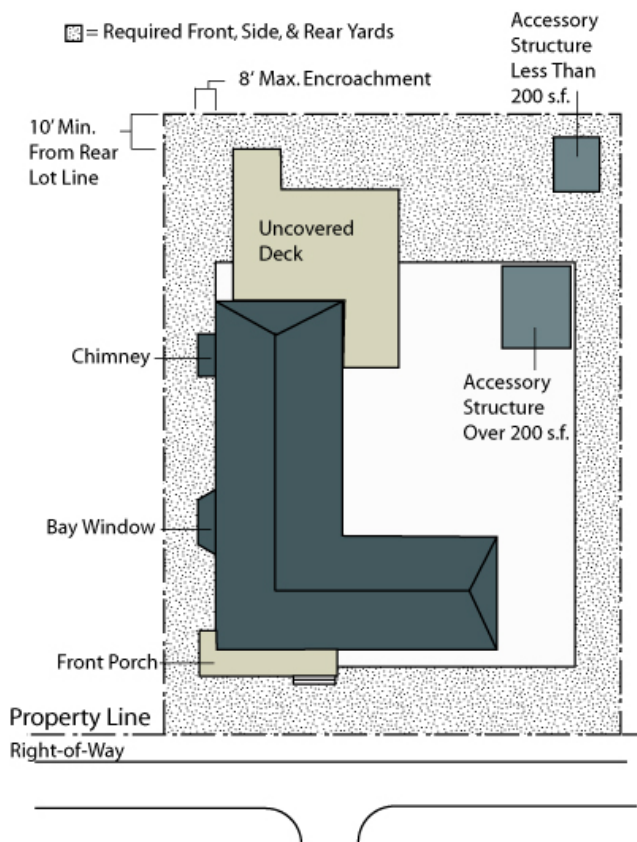
Several interviewees mentioned that the PUD-TN district is not widely used, in part because it is too complicated. We suggest the city carry forward the planned unit development process with some modifications that simplify and standardize the process, and apply it to all planned development districts. One modification is replacement of the sketch plan approval process by the pre-application process. We also suggest the process require a master plan (new name for the

unified development plan) and a statement of terms and conditions which must be reviewed and approved as part of the process of establishing the planned development district.

Finally, the standards in the PUD-TN district should be simplified and made more flexible to make the district a more desirable alternative. In addition, it is suggested the other existing planned development districts (Planned Unit Development – Residential; Planned Unit Development – Mixed (intended for residential, commercial, and light industrial development); and Planned Unit Development Limited - (intended for residential, office, and commercial development) be eliminated, and replaced with four new districts: Planned Development-Core City (PD-CC); Planned Development-Suburban-Residential (PD-S-R); Planned Development-Suburban-Commercial (PD-S-C); and Planned Development-Suburban-Employment Center (PD-S-EC). (see Section 3.3 of diagnosis (Chapter 9-3: Zoning Districts)).

#### 4. Include a Two-Tier Administrative Adjustment Process

One of the recurring themes during the stakeholder interviews and review of the city's policy framework was the need for flexibility in application of some of the zoning ordinance provisions as a means of encouraging development or redevelopment. The need for this kind of flexibility is underscored by the city's desire to encourage redevelopment in the core city area where the lot and setback requirements and development standards are more suburban in nature.



Administrative adjustments provide a “safety valve” for difficult sites or to address unintended consequences of code requirements.

One tool many communities use to provide additional flexibility in the development review process, while at the same time ensuring the community's development standards are met is an administrative adjustment. This is a method of allowing a minor departure from a dimensional standard (like a setback) or development standards (like the amount of required parking) in cases where such departure better serves the intent of the zoning ordinance or long range planning documents. These kinds of departures from standards are reviewed and approved administratively based upon an established set of clear measurable criteria. They are accomplished outside of the variance process, and as such, do not rely on demonstration of a “hardship.” The administrative adjustment process provides a “safety valve” to address unintended consequences resulting from application of the development standards or situations where an alternative approach that differs from the minimum development standards provides a higher development quality overall, or results in a condition that is closer in alignment with the city goals.

Section 9-9-10 of the current development ordinance includes the modification process, where applicants may request deviations from minimum code standards for a wide variety of standards (including dimensional provisions), provided the proposal results in development that is in closer alignment with city planning goals, or when the modification helps address site constraints. Modifications are decided administratively by the TRC.

The modification procedure is similar to the administrative adjustment process, except it does not include threshold limitations on the degree of modification that can be applied. These kinds of thresholds are common as a means of maintaining predictability in the review process.

The administrative adjustment that is proposed allows development applicants to request modifications from development standards that are reviewed and decided administratively instead of going through the more time consuming variance or special exception process. Administrative adjustments are typically used to adjust setbacks as a means of protecting resources, adjust height limits for greater compatibility, or preserve local development contexts like building façade rhythms. To limit the Planning Director's or TRC's discretion to approve administrative adjustments, it is also suggested that specific objective standards be included in the regulations to ensure administrative adjustments are approved under the appropriate circumstances. In addition to clear standards of approval, the procedure includes specific expiration and amendment standards to help ensure the provision is not abused.

We suggest the city consider a two-tier administrative adjustment procedure. Requests to deviate from a minor adjustment would be considered as a type I administrative adjustment and be reviewed and decided upon by the Planning Director (with an appeal to the City Council). Requests for larger adjustments would be considered type II administrative adjustments. They would be reviewed by the TRC and require review of a concept or sketch plan, except when related to a site plan or subdivision.<sup>32</sup> Decisions on both type I and type II administrative adjustments could be appealed to the City Council. In addition, and because the type II administrative adjustment requests larger modifications, the type II administrative adjustment would require the applicant to provide compensating public benefits. Compensating public benefits are aspects of the proposed development that exceed the code's minimum requirements, and are offered by an applicant in recognition of the request to deviate from a code requirement. For example, an applicant may wish to provide 30 percent more than the maximum off-street surface parking than is allowed for a particular use. In such a case, the applicant would be required to undergo a type II administrative adjustment process and propose one or more compensating public benefits as a part of the request to depart from the city's maximum parking standards. Compensating public benefits might include:

- Increased landscaping;
- Additional open space;
- LEED certification;
- Provision of preferred uses;
- Affordable housing; or
- Other compensating public benefits as suggested by an applicant and approved by the TRC.

Finally, we suggest that mandatory public notice be required for type II adjustments to ensure that adjacent land owners are notified prior to a decision for a type II adjustment.

## 5. Include a Beneficial Use Determination

Over the previous 15 years, many local governments have included a procedure in their land use regulations that allows any landowner who believes the application of the regulations results in a "taking" of their property to seek administrative relief from the local elected body. This procedure

<sup>32</sup> Planned developments would not require review and approval of an administrative adjustment to deviate from current standards.

is called a beneficial use determination. The procedure is based on United States Supreme Court decisions that state local governments may establish non-judicial procedures by which they can assess “takings” claims before they go to court and offer relief if the regulations are found to amount to a taking – that is, the regulations deny all economically beneficial use of property.

The current development ordinance does not include a formal beneficial use determination procedure. We recommend the city consider adding this new procedure. Further discussion with legal counsel is necessary before a final decision is made about adding the procedure.

## **6. Add a Tree Removal Permit<sup>33</sup>**

A reconnaissance of the city makes it clear there are a number of vacant lots that have been clear cut in anticipation of future development. The clear cutting of land not only has adverse aesthetic impacts on the community, but also diminishes the natural environment by exposing bare soils, increasing erosion rates and inducing a loss of biodiversity. The city has recognized the need for greater resource protection, as several of the goals included in long-range planning documents call for the utilization of more effective buffers and the need to ensure compatibility between different forms of development. One way the city might consider addressing these goals is to establish new requirements for tree protection on private lands, including retention of existing tree canopy on development sites before and after construction, as well as standards for protection of specimen or heritage trees.

Article F in Chapter 9-7 of the current development ordinance includes the public tree preservation standards for trees on city owned or controlled property, requiring permission from the Urban Forestry Committee before trees may be removed. The difference between the current standards and this proposed procedure is that this procedure is intended to protect existing trees on private lands.

There is a discussion in subsequent sections (Section 2.5 D of the Diagnosis) about the city’s consideration of new requirements for retention of a portion of the existing tree canopy and new standards for the protection of specimen trees via new development standards as well as a new tree removal permit process. If added to the city’s development regulations, we suggest compliance with tree protection standards on private lands would best be reviewed and addressed during site plan and subdivision review. However, because such standards are based on existing tree canopy cover in place at the time of application for a site plan or subdivision, communities that do have such regulations have found it necessary to include a tree removal permit process that governs tree removal on vacant sites



Regulation of tree removal of vacant sites is an important part of the proposed tree protection provisions.

<sup>33</sup> Based on input from the City Attorney, local enabling legislation is necessary for the city to adopt tree protection regulations for private lands and for clear cutting; consequently, a tree removal permit could only be included in the development ordinance if the local enabling legislation is provided by the North Carolina Legislature.

outside of the traditional development review process, to ensure tree canopy is not removed prior to initiation of development. If such a permit process did not exist, a potential applicant could simply timber the land, then submit an application for development, and thus avoid the tree protection provisions.

This section would establish the requirements and exemptions for obtaining a tree removal permit (through administrative review and approval) on vacant unplatted lands when there are activities that result in the removal of tree canopy, but do not trigger traditional development review. The amount of tree canopy required to be retained would mimic the general tree retention requirements of the ordinance, which is applied to all development. The section would also clarify that some uses and types of lands (e.g., silviculture, agriculture, platted lands of less than one acre, or clearing of up to one acre on unplatted lands) are exempt from the requirements to obtain a tree removal permit. The standards could place limits on successive clearing, establish mitigation standards for sites where trees may not practically be retained or where they are inadvertently damaged, and remedies for willful violations of the requirements to obtain a permit. Remedies could include fines, accelerated planting standards and a mandatory waiting period for subsequent development applications on a site that is cleared in violation of the regulations.

## 7. **Add a Zoning Compliance Permit**

The city does not currently have a zoning compliance permit procedure, and we recommend one be added to help ensure that conditions of approval are addressed after approval of a site plan. The zoning compliance permit is a “last check” in the development review process prior to issuance of a building permit. Zoning compliance permits can be used by the city to ensure that a development application is consistent with all city requirements, including conditions of approval. The process can also be used as a review tool for forms of development that may not require a building permit, such as a fence. We recommend that all development applications require a zoning compliance permit except applications for major or minor site plans, temporary use permits, or sign permits (where review for compliance with all zoning requirements and conditions can be made as part of the permit review). The procedure can also be used to review accessory structures or uses.

## 8. **Incorporate Recent Procedural Changes**

City staff has been working for the last several months to improve the development review process, particularly for site plans and subdivisions. Once the final changes have been agreed upon, the development ordinance and administrative manuals should be updated to reflect the changes.

# H. **COMMON REVIEW PROCEDURES**

As discussed earlier, the procedures for the review of development applications are scattered throughout the current development ordinance. As part of an effort to streamline development review to make the development ordinance more user-friendly, many communities have established a set of common review procedures. We suggest this approach would benefit High Point’s ordinance by making the application submission and review process more uniform, transparent, and user-friendly. The common review procedures would be included in the new administration chapter (Article 9-2, *Administration*). The common review procedures would address review requirements relevant to all applications for development permits. The section would establish rules that take the development applicant from the beginning of the development review process to the end. The types of procedural requirements typically included in a common procedures section address:

- Who has authority to submit applications;

- Pre-application conferences (already required for all rezonings and special use permits);
- Application fees and schedule (included in the appendices);
- Rules governing preparation of the staff report;
- Public notification and public hearing requirements;
- Deferral and withdrawal of applications;
- Basic procedures to follow during public hearings;
- Review and approval (including the imposition of conditions on approval);
- Notification of the applicant regarding the decision; and
- Lapse of approval.

In general, the current development ordinance addresses many of these issues, but not in a consolidated and uniform way. A common review procedures section establishes a consistent set of procedures for the processing of all applications, and would be supplemented as described in the following four subsections.

### **1. Broaden the Pre-Application Conference Procedure**

According to some stakeholders, one key reason why the development review process in High Point is not efficient is because applicants do not understand procedural or substantive review requirements, or are unaware of other related issues about application submission. Our experience is that requiring a pre-application meeting between a potential applicant and staff, especially for a more complex development proposal, is an effective way to expedite the

development review process. Requiring potential applicants to meet with staff to present conceptual plans for development and get staff input prior to submittal of an application helps address issues and procedural requirements before significant time and expense are invested in preparing or processing applications.

The current ordinance requires a pre-application conference for special use permits, zoning map amendments, traditional neighborhood developments, and planned unit developments.

We recommend the common procedures section of the new development code establish requirements for a pre-application conference between the applicant and staff. This provision would clarify what types of development applications are subject to the pre-application conference, the type of background materials that need to be submitted to staff before the pre-application conference,<sup>34</sup> the purpose of such meetings, and the effect of such meetings (i.e., discussions are not binding on the city and processing times



Pre-application conferences help applicants understand the process and city staff understand the proposal

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<sup>34</sup> In many development ordinances, this type of information is included in an administrative manual. The types of materials that might be required could include a general description of the character, location, and magnitude of the proposed development, a concept plan, identification of uses, identification of any special resource protection or environmental issues that the applicant is aware of, and the type of application for development permit sought. Most ordinances allow the applicant to provide any other supporting documents the applicant deems relevant.

do not start until a formal application is submitted and accepted). Along with special use permits and zoning map amendments, we suggest the city consider requiring a pre-application conference for the following types of development applications: major site plans, preliminary plats, and special exceptions. Pre-application conferences would be voluntary for all other forms of development applications.

## 2. Require Neighborhood Meetings

Neighborhood meetings are used by an increasing number of local governments throughout the country to provide a framework for a development applicant to get together on a more informal basis with neighbors/property owners surrounding a proposed development to (1) educate the neighbors about the project, (2) hear neighbor concerns, and (3) resolve these concerns in an informal setting, if appropriate. The timing and requirements for neighborhood meetings vary from community to community. These kinds of meetings keep neighborhoods and applicants informed of one another's perspectives.



Neighborhood meetings give adjacent land owners the opportunity to hear about a project prior to an application and provide comment

In some communities, the neighborhood meeting is optional. If the applicant decides to proceed with the neighborhood meeting, parameters are established in the ordinance about how notice is to be given and how the meeting is conducted.

In other communities, neighborhood meetings are required to be conducted prior to submission of an application. In still other communities, the neighborhood meeting is required to be held prior to completion of staff review of the application.

Still other communities do not require a meeting, but allow the planning director to require an applicant to conduct a neighborhood meeting prior to completion of the staff report on the application if the development proposed is anticipated to generate a certain level of impact on adjacent lands, roads, or public facilities.

The current development ordinance requires citizen "information meetings" for the establishment of conditional use districts, planned developments and special use permits. We suggest the city consider broadening this by requiring neighborhood meetings for any application to amend the official zoning map to a more intense zoning district.

We suggest the most appropriate time to conduct a neighborhood meeting is either before the application is submitted or before the staff report is prepared on the application. This is so because usually at this stage of the development review process, positions about the proposal are not hardened or lines drawn in the sand. An honest and good faith discussion about development issues related to the project can still usually occur between the applicant and interested neighbors.

We strongly recommend that if a neighborhood meeting requirement is included in the new development ordinance, it establish procedures for how the neighborhood meeting is conducted. This includes procedures requiring written notification of surrounding property owners and affected neighborhood organizations a reasonable period of time before the meeting; that the meeting(s) be held in close proximity to the affected neighborhood or property, or at a convenient location; that the applicant explain the development proposal, provide neighbors an opportunity to ask questions, provide comments, and voice concerns; and encourage informal resolution of any outstanding issues.

### **3. Include a Completeness Determination Procedure**

One problem identified during the interviews with stakeholders and city staff was that the review process sometimes started before staff had a chance to determine whether or not the application included the basic submittal materials needed to conduct an adequate review. In a number of instances, this reportedly necessitated a delay in application reviews. Currently, the development code only authorizes an “application completeness” standard for official zoning map amendments.

Many communities have benefited by including a subsection in the development ordinance authorizing the planning director (or a designee) to review submitted applications to determine whether they are “complete.” Under this approach, only “complete” applications can be formally accepted for review and action by the city. The provision would be applicable to all development applications and state that the processing of an application by the city does not begin until after a formal determination that the application is complete. Applications are “complete” when they contain all the relevant and appropriate application submittal requirements and the required fee. Since the determination of what constitutes a “complete” application is made by the city’s professional staff, appeals of completeness decisions would be taken to the board of adjustment.

Typically, city staff should need no more than five working days to review and make such a “completeness” determination. The provision also establishes rules for a deficient application, including a specified period within which a revised application must be submitted or be considered withdrawn. We also suggest a provision for requiring re-submittal fees after a certain number of incomplete applications are submitted, to deter multiple deficient submittals.

### **4. Include Public Hearing Procedures**

Although the current regulations require public hearings for a number of application reviews (rezonings, special exceptions, variances, and appeals), they do not include provisions outlining how such hearings are to be conducted. Including such provisions makes the development process more efficient by helping ensure people understand the role of hearings and how they can most effectively participate in them.

The current regulations also do not identify whether a required public hearing is a quasi-judicial hearing or not. North Carolina law deems some procedures as quasi-judicial, requiring quasi-judicial hearings that are subject to extra procedural requirements. It is important that all parties participating in a quasi-judicial proceeding be aware of the additional responsibilities and opportunities these requirements entail (e.g., sworn testimony, cross examination and findings of fact).

We recommend that provisions outlining basic rules of conducting both standard public hearings and quasi-judicial hearings be added to the new code’s common review procedures. Standard public hearing procedures appropriate for inclusion in the new code typically address:

- Who has the right to speak and/or present evidence;
- How the hearing can be continued;
- The order in which the applicant, staff, and the public may speak and respond to others; and
- How hearing proceedings are to be recorded and made available to the public.

Additional procedural requirements apply to quasi-judicial hearings and should be included in a separate set of procedural rules for quasi-judicial hearings.



Public hearing procedures help applicants and citizens understand the rules of participation.

## 2.3 KEY BENEFIT TWO: IMPLEMENT THE CORE CITY PLAN

In February 2007, the city adopted the Core City Plan, a forward-looking document intended to provide the policy framework for the redevelopment and revitalization of the city's central business district, historic and core neighborhoods, transportation corridors, and industrial areas. The central premise of the plan is that the city's current development ordinance did not address the urban character and challenges of the core city, and as such, many of the plan's recommendations call for changes to the development ordinance to better fit the core city's character. In general, the plan also addresses the following major areas:

- Redevelopment, in many instances, at higher densities, and with more use-mixing;
- Establishment of new districts for the city core, neighborhood centers and major institutions to address changing realities;
- Reduced emphasis on use and more focus on form through new design standards and flexible dimensional requirements;
- Preservation and protection of established neighborhood character;
- Improvements to the pedestrian environment along key corridors and within neighborhood centers; and
- Modifications to the development standards (e.g., parking, landscaping, etc.) to better recognize the core city's urban environment.



The core city area along Main Street.

### CORE CITY PLAN IMPLEMENTATION RECOMMENDATIONS:

- A. Encourage More Use-Mixing
- B. Modify the Zoning Districts
- C. Adopt New Mixed-Use Design Standards
- D. Establish New Community Form Standards
- G. Recognize Urban Character
- H. Add Contextual Dimensional Standards

To achieve these goals, the plan recommends a number of changes to the development ordinance. As discussed earlier, the city has started to make some of the changes through the adoption of interim regulations.<sup>35</sup> First, a new Main Street district has been adopted for the lots lining North and South Main Street just outside the historic central core. It seeks to limit the spread of furniture showrooms and restore many of the uses common to traditional downtowns, such as high-density residential, office, retail, and entertainment uses. Second, a Mixed-Use Center Overlay (WMUC) district for a portion of Washington Drive near the central core has been adopted. It is intended to provide an anchor for the surrounding neighborhood through the provision of neighborhood-serving commercial and personal service uses coupled with higher density residential uses (the Washington Drive MUC is the first of eight such districts intended for the neighborhood centers identified in the Core City Plan).

In addition, work has begun on a new showroom overlay

<sup>35</sup> The regulations are considered interim in nature because they may be subject to additional modifications as part of a comprehensive update.

district (called the Market District) which is intended to foster showroom development in key areas of the historic central business district.

However, much work still needs to be done to implement the recommendations of the Core City Plan. It includes:

- Encouraging mixed-uses, a wider range of allowable residential use types, and the ability to locate low-intensity, neighborhood-serving commercial uses within medium- and high-density residential areas;
- Modifying the zoning districts to:
  - Add a new institutional district;
  - Update the industrial districts; and
  - Add a basic mixed-use district;<sup>36</sup>
- Establishing new community form standards to foster pedestrian orientation and circulation, better connect neighborhoods, and ensure more transportation choice;
- Preparing new basic design standards for mixed-use structures;
- Updating the parking, landscaping, screening and lighting standards to account for the urban context of the core city and maintaining compatibility between uses; and
- Adding additional flexibility in the form of administrative adjustments and the use of contextual dimensional standards in key redevelopment contexts.<sup>37</sup>

Each of these initiatives recommended by the Core City Plan is discussed in more detail below.

## A. ENCOURAGE MORE USE-MIXING



Mixed-use development in the historic downtown.

One of the primary recommendations of the Core City Plan is to encourage and allow for mixed-use development in the core city in order to promote a vibrant, urban, pedestrian-oriented area. One of the primary problems is the current development ordinance frustrates and hinders mixed-use development. For example, prior to the adoption of the Main Street (MS) district, the Washington Drive Mixed Use Center (WMUC) overlay, and the Traditional Neighborhood (TN) district, the city had no mixed-use districts other than the planned unit development floating zones.

An even larger impediment to use-mixing is the line-up of allowable uses in Table 4-7-1, Permitted Use Schedule. As can be seen in the table, multi-family and townhouse uses are not allowed within any of the base business districts except the Central Business (CB) and Main Street (MS) districts. Interestingly, single- and two-family uses are allowed within both industrial districts, but are not allowed within any of the business districts (except for the CB district). Accessory dwelling units are allowed

in almost every district- except the business districts (accessory dwelling units are allowed within the CB

<sup>36</sup> The basic mixed-use district is not included in the Core City Plan recommendations, but we suggest adding it to address isolated lots where a mixed-use district would be beneficial.

<sup>37</sup> Additional changes related to protection of neighborhood character are discussed in Section 2.3, *Protect and Revitalize Neighborhoods and Gateways*.

district). In addition to these limitations, the city's line-up of available residential use types is limited. The permitted use schedule lacks a variety of residential use types, such as live/work units, attached residential, upper-story residential (over a nonresidential use), mansion apartments, and other more modern residential use types that could increase housing diversity. A wider range of available residential use types would permit the city more opportunities to locate residences within the business districts, and increase the potential for more mixed-use development.

A related problem with the permitted use schedule is that virtually no retail, office, or personal service uses are allowed within any of the residential districts anywhere in the city. This is an impediment to the establishment of functioning neighborhoods since it limits the provision of neighborhood-serving business uses within residential areas.

Based on the limitations in the use schedule with respect to the range of allowable residential use types, the accommodation of residential uses within nonresidential districts, the inability to accommodate small-scale, neighborhood-serving retail and service uses in the residential districts, and the lack of mixed-use alternatives, significant changes to the current development ordinance are necessary to achieve the use-mixing goals of the Core City Plan. The city has begun to take the first steps through the establishment of the MS and WMUC districts, but the range of allowable residential uses must also be broadened to allow for slightly higher-density residential use types that can be accommodated within traditional single-family neighborhood settings (e.g. mansion apartments, live/work units, and two-to-four-family housing). In addition, the higher-density base residential districts need to allow for limited neighborhood-serving retail and service uses as a means of building more functional neighborhoods where residents can work, shop, and recreate close to home. The ability to locate residential uses within nonresidential districts also needs to be addressed. We also suggest the city consider the establishment of a basic Mixed-Use (MX) District to accommodate mixed-use developments outside of the Main Street corridor or designated mixed-use centers.

## **B. MODIFY THE ZONING DISTRICTS**

As discussed earlier, the Core City Plan calls for the establishment of several new zoning districts, including:

- A new zoning district in the city core to accommodate continued furniture showroom development as well as a new zoning district intended to revitalize the downtown with uses like high-density residential, retail, office, and entertainment;
- A new zoning district or districts to accommodate mixed-use centers at key intersections around the core city area to provide neighborhood-serving nonresidential and higher density residential use types;
- A new zoning district for the major institutions in the core city (High Point Regional Hospital area, High Point University, and Guilford Technical Community College) to address the long term growth and compatibility of these uses.

As mentioned above, city staff has already begun the task of adding new districts to the development ordinance to address the urban nature found in the core city area, as directed by the Core City Plan.

### **1. Main Street and Mixed-Use Center Overlay Districts**

The Main Street (MS) District and the first Mixed-Use Center (MUC) Overlay are important first steps towards addressing the need for higher-density mixed-use districts consistent with the urban nature of the central core. Work on the new showroom overlay district (Market District) has also begun.



The Washington Drive corridor.

One aspect for consideration as the city moves forward with these efforts is the possibility of using base zoning districts to address Core City Plan recommendations instead of overlay districts. We suggest the city consider base districts (as was done for the new Main Street District) as a means of limiting the complexity of the development ordinance.

The Washington Street MUC occupies land currently zoned Central Business (CB), but the new standards are intended to replace most (but not all) of the CB standards. As a result, new development within the Washington Street MUC will need to maintain consistency with both the CB and the MUC designations. The situation becomes even more complicated in cases where there are other overlay districts in place, such as historical overlays or water-

supply watershed overlays. In these situations, new development would need to maintain consistency with multiple overlay standards that could potentially conflict with each other. One of the reasons we suggest the application of a base district in this context is that simplification could facilitate and encourage new development and redevelopment. Typically, efforts to encourage development are best served by removing complexity and adding clarity to development regulations. In North Carolina, it is common for overlay district regulations to be applied in addition to all base zoning district provisions; or in other words, overlays typically add additional regulations.

## 2. Institutional District

Another recommendation in the Core City Plan is one or more institutional zoning districts be added to the development ordinance for the medical district around High Point Regional Hospital, High Point University, and Guilford Technical Community College satellite campus on South Main Street. Each of these land uses has a unique character quite different from the other nonresidential uses in the core city area, and consequently does not necessarily fit well with the other districts.<sup>38</sup>

The character of these uses, their alternative configurations (relative to their surroundings), and their evolution in the community can lead to serious conflicts with adjacent land uses. The expansion of student housing at High Point University is an excellent example of the kinds of compatibility problems that can result from expansion. We suggest the city consider implementing a hybrid institutional zoning district for these three areas that is comprised as either:



High Point University campus expansion.

<sup>38</sup> While the Core City Plan calls for nonresidential structures to be built to the street on small blocks with intersections at regular intervals, these institutional land uses are developed with an inward-focused campus setting.

- A planned development district, that includes tailored development standards for each of the three specific institutions and approval of a master plan of each specific institution as part of district approval; or
- A base zone district, which divides each of the three institutions into interior and perimeter areas, and regulates them accordingly. Standards for the interior areas are minimal, while the perimeter of each area is regulated more strictly because of development's potential for off-site impacts.

### 3. Industrial District

The Core City Plan also includes recommended modifications to the area's industrial districts, which are concentrated in the southwestern quadrant of the core city. The two key issues the plan indicates need to be addressed are the vacant sites and obsolete buildings. The plan calls for making existing industrial areas more "park-like" through the use of higher quality materials, orienting buildings toward the street, screening loading and storage functions from adjacent streets, and prohibiting chain link fencing along primary facades.

### 4. Mixed-Use District

In addition to the line-up of new districts already completed by the staff, we also suggest establishment of a new mixed-use base district for use in areas outside of the core city. This district can be used to establish neighborhood centers in the city's periphery or along key transportation corridors.

## C. ADOPT NEW MIXED-USE DESIGN STANDARDS

As part of its recommendations for the establishment of a series of new mixed-use districts across the core city area, the Core City Plan also recommends policies and guidance on the range of mixed-use design standards that should be applied to new uses and redevelopment within the mixed-use districts. The following standards are a sampling of the types of mixed-use design standards that might be incorporated into the development ordinance to address this plan recommendation.

**TABLE 2-2: PROPOSED MIXED-USE DESIGN STANDARDS**

STANDARD	POTENTIAL REQUIREMENTS
Building Orientation	Buildings shall be oriented parallel to and shall face a street
Building Placement	Buildings shall be located adjacent to the front lot line or the right-of-way edge
Primary Entrance	Primary entrances shall face the street from which the building derives its street address; secondary entrances may face other streets or parking areas
Parking Location	Parking shall be located to the side or rear of a building; in cases where adjacent uses accommodate surface parking in front of the building, the mixed-use building shall be set away from the surface parking (located in the rear of a building or on the side away from the surface parking)
Cross Access	Surface parking lots shall connect to adjacent parking lots to the maximum extent practicable
Ground-Floor Uses	Ground floor uses shall be occupied by retail, commercial, office, personal service, or some other active use; ground-floor residential uses shall be limited to the side or rear of the building
Use-Mix	Mixed-use developments shall include two or more different use classifications, and in no instance shall any single use type occupy more than 90 percent of a vertically-integrated building or 90 percent of the total floor area of a horizontally-mixed site
Façade Articulation	Building facades shall include projections or recesses with a minimum reveal of at least 12 inches with a minimum width of ten feet every 30 feet of facade
Façade Modulation	Building facades over 40 feet wide shall be modulated into a series of store fronts with a minimum width of twelve feet
Glazing	Primary facades and side facades facing streets shall include glazing over at least 60 percent of the first floor facade

**TABLE 2-2: PROPOSED MIXED-USE DESIGN STANDARDS**

STANDARD	POTENTIAL REQUIREMENTS
Tinted or Reflective Glass	Heavily tinted or reflective glass shall be prohibited on the first floor
Roof-Based Equipment	Flat roofs shall include parapets of a minimum height sufficient to screen all roof-based equipment
Roof Form	Roof forms (flat, pitched, or other) shall be configured to be compatible with adjacent residential uses (if appropriate)
Minimum Height	Mixed-use buildings shall be at least two stories or 27 feet in height
Maximum Height	Mixed-use buildings shall not exceed 4½ stories or 65 feet in height
Outdoor gathering areas	Buildings may be setback from the right-of-way to accommodate outdoor dining or public gathering spaces

## D. ESTABLISH NEW COMMUNITY FORM STANDARDS

Another important aspect of community design is circulation of automobiles and pedestrians in and around developments. The Core City Plan includes a series of recommendations related to sidewalks, bike lanes, crosswalks, and traffic calming techniques in neighborhoods and along key corridors. One of the key challenges to the implementation of effective community form standards in urban areas is the fact that urban areas are already built or established, and as such, retrofitting is often required. Retrofitting can be complicated by existing structures, established context, and the problem of project funding.

Despite the challenges, the core city does need and might benefit from community form standards to provide guidance for redevelopment and to inform capital improvement efforts. These provisions could be intended for application to new development or redevelopment on private lands and the rights-of-way immediately abutting these lands. The range of potential standards might include regulations to:

- Establish sidewalks of between five and 15 feet in width on both sides of every street (except alleys);
- Utilize six-to-eight-foot-wide planting strips adjacent to the back of the curb adjacent to arterial and collector streets, and street trees in planter pits with on-center spacing no more than 40 feet apart adjacent to local streets;
- Include mid-block pedestrian crossings on blocks exceeding 1,000 feet in width;
- Provide at least one on-site improved connection to the public sidewalk system every 400 feet of street frontage;
- Provide pedestrian-scaled street/sidewalk lighting;
- Include bicycle amenities (e.g., parking facilities, bike lockers, etc.) in larger nonresidential, mixed-use, and multi-family developments; and
- Require cross access between surface parking lots for nonresidential and multi-family uses.



Community form standards can help make streets more pedestrian friendly.

In addition, we suggest the city consider new requirements to address vehicular circulation for new developments of significant size (e.g., 2 acres or more) where land is re-subdivided or significant modifications to the existing street network are proposed. Requirements could include standards for traffic calming (e.g., roundabouts, minimum street widths, and short block lengths), street connectivity, alleys and block design. Alleys can be encouraged in-lieu of driveways for lots of 55 feet or less in width.

## **E. RECOGNIZE URBAN CHARACTER**

The Core City Plan recognizes the failure of the current dimensional and development standards (e.g., parking, landscaping, screening, etc.) in the development ordinance to accommodate urban development forms. The plan calls for the establishment of new flexible dimensional provisions to address existing urban site conditions. It recognizes the current regulations are largely suburban in nature and contemplate the establishment of significant areas of surface parking, landscaping buffers that segregate uses, streetscape landscaping to buffer uses from fast-moving traffic, streets intended primarily for the efficient movement of automobiles, building walls setback from lot lines or street rights-of-way, exterior lighting intended for automobile-oriented environments, service area screening requirements for stand-alone dumpsters, and other suburban aspects.

Urban contexts like the core city area, are traditionally more dense, and occupied by a diverse array of uses with scaled-down buffers. Urban contexts include structures typically located on smaller lots with less flexibility to accommodate site features such as parking, landscaping, and service functions. To address the distinctions in character between the urban core city area and suburban contexts, the city should consider modifying the development ordinance to include development standards that are more flexible and capable of dealing with the physical context in the core city's urban environment. To accomplish the Core City Plan's policy direction, we suggest the city consider modifying the development ordinance in the following ways:

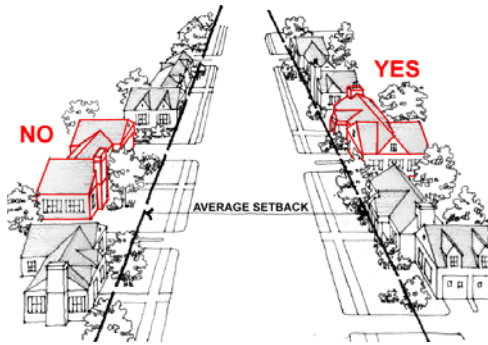
- Reduce parking requirements to recognize on-street parking resources;
- Establish flexible, performance-based buffering requirements;
- Establish exemptions or modifications to some open space standards in the core city area, and allow urban features like plazas, roof gardens, and atriums to be credited towards open space requirements;
- Utilize street trees and planters to meet landscape requirements;
- Reduce minimum exterior lighting standards and maximum lighting heights;
- Exempt mid-block uses from service area screening requirements;
- Use build-to lines and maximum setbacks instead of minimums; and
- Elevate lot coverage limitations.



Urban sites have different contexts and need more urban development standards.

Adding flexibility in development standards will help ensure the core city remains a viable location for new development or redevelopment.

## F. ADD CONTEXTUAL DIMENSIONAL STANDARDS



Contextual dimensional standards help maintain existing character.

Contextual standards are used by many communities in mature, built areas where the established development context differs from the minimum dimensional or development standards. The Core City Plan points out that many of the district dimensional requirements do not mimic the established development patterns in the core city neighborhoods, resulting in many nonconformities which impede redevelopment.

Contextual standards are typically flexible and rely on consistency with adjacent existing development instead of fixed numbers or requirements. For example, contextual standards might include a maximum front setback provision for a district that requires development to be within 125 percent of the established front setback for existing buildings along the same block face instead of a rigid fixed dimensional standard. Similar kinds of provisions may be established for building heights, lot coverage, and other dimensional provisions.

We suggest the city consider the use of contextual standards in the core city area to address the Core City Plan recommendations.

## 2.4 KEY BENEFIT THREE: PROTECT AND REVITALIZE NEIGHBORHOODS AND GATEWAYS

For a variety of reasons, the preservation and revitalization of existing neighborhoods as well as the city's gateway corridors (e.g., Eastchester Drive-NC 68, West Wendover Avenue, and Interstate 85 Business) are key goals of the Core City Plan and the Community Growth Vision Statement.

Corridor plans developed for Eastchester Drive-NC 68, West Wendover Avenue, and Interstate 85 Business over the 1990s called for continued growth and development at the gateways that contributes to the city's unique sense of place and encourages new investment in the city.

The Core City Plan has expressed that regulatory actions need to take place to encourage revitalization and protection of the physical characteristics of the established neighborhoods in the core city area.

Clearly, the development ordinance can be supplemented with provisions that help protect neighborhood character and assist in establishing a stronger sense of place along the gateway corridors, while at the same time providing for more balanced development through incentives. For the neighborhoods, these provisions include:

- New transitional standards to help maintain compatibility between dissimilar land uses;
- Infill standards that ensure new infill development is consistent with its surroundings; and
- Neighborhood conservation overlay districts that help maintain established character and context.

### NEIGHBORHOOD AND GATEWAY RECOMMENDATIONS:

- A. Establish Transitional Standards
- B. Establish Infill Standards
- C. Add a Neighborhood Conservation Overlay District
- D. Gateway Corridor Overlay District Changes

For the gateway corridors, they involve new gateway overlays that help the city establish and maintain distinctive entrances or gateways around the city that distinguish it from surrounding jurisdictions.

Each is described in more detail below.

### A. ESTABLISH TRANSITIONAL STANDARDS

Transitional standards are provisions intended to address edge areas where incompatible uses border one another (e.g., multi-story, mixed-use structures adjacent to single-family residential dwellings). Transitional standards help maintain land use and aesthetic compatibility across these edge areas by addressing building mass, appearance, operational aspects, lighting, and sensitive siting of site features like parking, vehicular accessways, service areas and outdoor activities.

We suggest the city consider establishing a set of transitional standards in its development ordinance to protect the character of the established single-family neighborhoods in the core city area, as well as other established neighborhoods throughout the city. If used, the transitional standards could apply to any new development of a nonresidential use (e.g., commercial or office uses), mixed-use development, or multi-family and townhouse development when it abuts or is within a certain distance from single-family residential development or a single-family residential zoning district. The table below includes a sampling of the types of transitional standards adopted by other jurisdictions for the city's consideration:

**TABLE 2-3: POTENTIAL TRANSITIONAL STANDARDS**

STANDARD	POTENTIAL REQUIREMENTS
Building Façade Standards	Construct a similar roof type as single-family development in terms of slope and arrangement to prevent abrupt changes in roof form
	Use colors on the exterior surfaces of buildings that are compatible with nearby single-family residences
	Orient porches, balconies, outdoor space, and other site attributes such as vending machines associated with attached residential development away from adjacent single-family residential uses
	Use similarly sized and patterned architectural features such as windows, doors, awnings, arcades, pilasters, cornices, wall offsets, building materials, and other building articulations included on adjacent single-family development
Building Dimension Standards	Buildings over 35 feet be stepped back in height, so that the tallest part of the structure does not abut a single-family residential area or other developments of lesser heights
	Buildings be no higher than 55 feet when adjacent or within a certain distance from a single-family residential area
Site Design Standards	When dealing with multi-building developments on one or more lots, establish a continuum of use intensity where uses of moderate intensity are sited between high-intensity uses and low-intensity uses (e.g., office uses between retail and detached residential), as they relate to adjacent single-family development
Lot Size Consistency	Standards that require lot sizes to remain within 75 percent of any adjacent single-family lots bounding a development
Parking and Driveway Area Standards	Parking spaces be oriented away from (or parallel to) single-family residences so that headlights do not project directly into yards
	A ten-foot fully-opaque vegetated buffer or a comparable buffer be required between single-family residences and non-residential lots
	Parking for developments over 10,000 square feet be located interior to the site, and a minimum distance from single-family development
	Adjoining parking lots serving non-residential or mixed-use buildings be interconnected
	Limiting the width of driveways to parking areas to 24 feet in width (two lanes) or 12 feet in width (one lane) except those with turn lanes, to maintain pedestrian comfort and calm the speed of entering traffic
	Parking structure facades adjacent to single-family residences receive enhanced design treatment to soften their visual impact
Loading and Refuse Storage Area Standards	Not be located within a certain distance from single-family development
	Be screened from view of single-family development using materials that are the same as, or of equal quality to, the materials used for the principal building, which are compatible with the materials used for the single-family development
	Be incorporated into the overall design of the building and landscaped so that the visual and acoustic impacts of these functions are fully contained and out of view from adjacent properties and public streets
	Be located within buildings over 5,000 square feet
Lighting Standards	Reduced footcandle values by 1/3 at lot lines in transition areas
Signage Standards	Reducing the sign area of all signs in transition areas by 25 percent of that normally allowed
Open Space Set-Aside Standards	When open space is required, locating it in the transition area between the nonresidential use and single-family area unless there is a compelling reason for it to be located elsewhere on the site
Operational Standards	Curtail outdoor dining or other activities after 9:00 PM on weeknights and 11:00 PM on weekends
	Limit trash collection or other service functions to only between the hours of 7:00 AM and 7:00 PM
	Require amplified music, singing, or other forms of noise audible at the property line be extinguished (including noise from the typical production process associated with the use) after 9:00 PM Sunday through Thursday nights and 11 PM Friday and Saturday nights

**B. ESTABLISH INFILL STANDARDS**

While transitional standards are intended to address compatibility issues between dissimilar uses, infill standards are focused on maintaining compatibility between existing development and new development within built neighborhoods or districts. The following table includes a sampling of the various forms of infill

regulations adopted by other jurisdictions the city might consider including in its development ordinance. The regulations are organized into three groups:

- Standards applicable to all infill development;
- Standards applicable to residential development; and
- Standards applicable to nonresidential development.

Mixed-use development may follow either set of standards depending upon the surrounding context.

Many of the infill standards require new infill development be consistent with established context in terms of dimensional requirements, site features and building mass. Context is measured as the average distance or size of a particular attribute for all buildings along the block face of an infill site. The applicant is the party responsible for determining the block face average for a particular standard. In cases where most of the lots along a block face are vacant, the opposite block face is used. Buildings on corner lots are considered part of the block face where the primary entrance is located.

It is typical for most jurisdictions to apply these kinds of standards only within the established portions of the city. Some communities with infill standards allow new development or redevelopment to deviate from these standards through a special exception process or through an amendment to the official zoning map to establish a planned development district.

**TABLE 2-4: POTENTIAL INFILL DESIGN STANDARDS**

STANDARD	POTENTIAL REQUIREMENTS
GENERAL STANDARDS FOR ALL INFILL DEVELOPMENT	
Building Orientation	The long axis of the building shall be consistent with the orientation of other structures on the same block face
Primary Entrance	Primary entrances shall face the street from which the building derives its street address
Building Height	Building heights shall not exceed 125 percent of the average height of the buildings on the same block face
Building Footprint	Building footprints shall not exceed 150 percent of the average building size on the same block face
Roof Form	Except for religious institutions, roof form shall follow the predominate form in place on the same block face. Buildings may incorporate differing roof forms
Front and Corner Side Setbacks	Buildings shall be within 125 percent of the average front or corner side setback for buildings on the same block face
Street Trees	New infill development shall follow established street tree species and spacing patterns where these patterns have already been established along a block face
STANDARDS FOR RESIDENTIAL INFILL	
Raised Foundations	For structures setback 10 feet or more from ROW: 18" For structures set back less than 10 feet from ROW: 24"
Front Façade Width	Between 70 and 130 percent of existing widths of buildings along the same block face
Windows and Doors	Vertically-oriented and aligned between floors
Front Porches	Required when 70 percent or more of similar structures along the block face include front porches
Garages/Car Ports	In no instance shall a garage or carport be closer to the ROW than the front door
STANDARDS FOR NONRESIDENTIAL INFILL	
Front Façade Width	Between 30 and 150 percent of the front façade width for similar uses along same block face
Windows	Heavily tinted or mirrored glass shall be prohibited on any building side facing a street

## C. ADD A NEIGHBORHOOD CONSERVATION OVERLAY DISTRICT

One of the recommendations in the City Core Plan is to protect the city's existing neighborhoods through the establishment of neighborhood conservation areas.



Emerywood is a neighborhood that may be a candidate for a NCO district.

Neighborhood conservation overlay (NCO) districts are developed to implement specific small area or neighborhood plans. They are not intended to be applied as historic districts. They can be an appropriate tool to use in both stable traditional neighborhoods and neighborhoods at risk—to improve, re-build, preserve, and protect desired neighborhood character. Other communities are using NCO districts to replace more restrictive base district dimensional requirements as a means of encouraging redevelopment. In addition, a growing number of jurisdictions across the country are using NCO districts as an alternative to historic district designation to protect and maintain the physical features that define the character of neighborhoods without the need to establish more complex and controversial historic designations.

Flexibility and efficiency are important attributes of NCO districts as compared to historic districts. Whereas the primary purpose of a historic district is to protect the historic integrity of an area (usually by preventing or discouraging demolition and requiring

appropriate renovation or highly compatible new construction), NCO districts are more flexible. NCO standards typically require infill and redevelopment to comply with modest development standards addressing subjects such as building height, setbacks, roof pitch, garage location and setbacks, front porches, driveway access, street trees, and landscaping to maintain neighborhood character. Typically, detailed architectural design standards as found in most historic districts are not included. Applications for development or redevelopment are reviewed administratively by the planning director for compliance with the applicable NCO standards (rather than by a review board).

We suggest the city consider adding a NCO district framework to the development ordinance for the purpose of protecting existing neighborhoods. The NCO can be used to add standards to protect areas, or as a way to apply flexibility to encourage redevelopment. The establishment of an NCO district is typically done at the direction of the City Council or through neighborhood petition following completion of a neighborhood or small area planning process that is intended to discern the particular characteristics that are intended for protection. An NCO is established through the rezoning process like any other overlay, and different NCO overlays can be prepared for different neighborhoods or areas of the city. The provisions proposed here would establish the regulatory framework for the creation of individual NCO overlays at a later date based on criteria developed during the respective neighborhood or small area planning processes.

## D. GATEWAY CORRIDOR OVERLAY DISTRICT CHANGES

Section 9-4-4(c) of the current development ordinance includes provisions related to the city's existing scenic corridor overlay district. The district includes a set of regulations that provide a general framework for all scenic corridor overlays in the city as well as specific standards for the Eastchester Drive/NC 68 Scenic Corridor. The corridor overlay is intended to create a visually-pleasing impression of the city as a means of influencing the perception of individuals or firms considering investment in the community. The overlay seeks to address the appearance of development and access management issues along individual corridor segments.

## PART 2: DIAGNOSIS

### SECTION 2.4 KEY BENEFIT THREE: PROTECT AND REVITALIZE NEIGHBORHOODS AND GATEWAYS

The current overlay provisions require preparation and approval of a corridor plan by City Council prior to preparation of individual corridor overlay standards. To date, the city has prepared and adopted corridor plans for portions of Eastchester Drive/NC 68, West Wendover Avenue, and Interstate 85 (Business). Many of the goals and policies within these plans are fairly general.

The Eastchester Drive overlay includes requirements for maintaining existing trees within streetyard areas for the purpose of screening; requirements for screening stormwater retention ponds, service areas, and mechanical equipment; unity of design requirements for multi-building or multi-tenant developments; prohibition of some building materials like metal building or vertical siding; and appearance requirements for residential subdivision entrances abutting the corridor. The district also includes a summary table of signage, landscaping and setback standards that includes two optional configurations for portions of the corridor.

If the city decides to move forward with the preparation of additional scenic corridor overlay districts for the other corridors or expansions to the Eastchester Drive district, we suggest the district be re-named to the gateway Corridor (GCO) Overlay District and new standards be added that include provisions to:

- Maintain and enhance existing vegetation adjacent to the corridor right-of-way as a means of further screening new development and maintaining a consistent appearance along the corridor;
- Place limits on the amount of surface parking that can be placed between the corridor and a building;
- Require drive-throughs, canopies, service areas, and accessory structures (e.g. canopies, stand-alone automated teller machines, etc.) to the rear of buildings;
- Require all freestanding signage to be monument signage;
- Encourage and establish incentives for shared access and driveway consolidation;
- Establish building height limits that restrict heights to two stories adjacent to the corridor and allow additional height with distance from the corridor right-of-way;
- Place limits on the amount of lighting glare visible from the corridor right-of-way; and
- Enhance retrofitting requirements.



West Wendover Avenue is a gateway corridor with a corridor plan in place.

## 2.5 KEY BENEFIT FOUR: PROMOTE LIVABLE & SUSTAINABLE DEVELOPMENT IN GREENFIELD AREAS

The Core City Plan focuses on growth and development policies in High Point's core city. As discussed in the Introduction, another major area in the city outside the core city are High Point's suburban and greenfield areas, which have been developing at a fast pace. The key policy direction provided about growth and development in this area (as indicated in the Land Use Plan and the Community Growth Vision Statement) is that development should be encouraged that is both livable and sustainable.

The definition of livability is location-specific, but most agree that communities where residents can meet their daily needs to live, work, shop, and play with a minimum of travel are desirable. Cities with sufficient open space resources to provide for recreational opportunities, relief from the built environment, and adequate habitat are livable. Clean air, clean water, and adequate natural resources are important elements of livability.

Sustainability involves the ability of a community to meet the needs of its present population, while ensuring that future generations have the same or better opportunities. There are increasing concerns that as a society we are using resources at a faster rate than we are replenishing them and thereby creating communities that are not sustainable in the long run—which will lead to fewer choices for future generations.

More specifically, the Land Use Plan designates environmental protection as one of the key development issues for the city, focusing on the need for greater tree preservation, more diligent protection for open space and stronger watershed protection.

Planning new neighborhoods with convenient parks and recreation facilities, sufficient and well-maintained infrastructure and linked open spaces are also key objectives in the Community Growth Vision Statement. The Community Growth Vision Statement also calls for the development of neighborhoods where residents can meet their daily needs in well-designed and well-connected communities.

In some respects, it appears the current development ordinance might not have encouraged the development template contemplated by the policy direction in the Land Use Plan and Community Growth Vision Statement in the city's suburban and greenfield areas.<sup>39</sup>

Development quality in the current development ordinance is addressed through basic requirements for parking, landscaping, buffering and signage. These standards are somewhat basic relative to "best practices," both in North Carolina, the southeast and the nation. For example, the existing regulations include:

### LIVABLE AND SUSTAINABLE DEVELOPMENT RECOMMENDATIONS:

- A. Modernize Parking Standards
- B. Clarify Landscaping Standards
- C. Open Space Set Aside Standards
- D. Tree Protection Standards
- E. Incorporate Limits to Mass Grading
- F. Community Form Standards
- G. Commercial Design Standards
- H. Single-Family Design Standards
- I. Multi-Family Design Standards
- J. Exterior Lighting Provisions
- K. Fencing Provisions

<sup>39</sup> Greenfield areas are the vacant and under-developed suburban and peripheral portions of the city outside the boundaries addressed by the Core City Plan.

- Parking standards, with limited flexibility, few incentives to encourage more pedestrian-oriented parking design and insufficient standards regarding parking location;
- Modest interior and perimeter parking lot landscape standards;
- No provision for tree preservation on private lands (except within streetyards in the scenic corridor overlay);
- No open space set-aside requirements;
- Limited exterior lighting standards;
- Minimal fencing standards;
- No community form standards (other than basic street and sidewalk provisions);
- No basic design standards for residential, nonresidential, or mixed-use developments outside of the traditional neighborhood district; and
- No distinctions between urban and suburban development contexts.

The following sections describe changes to the current development ordinance the city might consider to address these issues in an effort to encourage more livable and sustainable neighborhoods and related development within its suburban and greenfield areas.

## **A. MODERNIZE PARKING STANDARDS**

The current parking and loading standards are located in 9-5-6. Compared to many codes, they are fairly modern in both the form and content. They are well organized and allow developers and property owners some degree of flexibility. Nevertheless, the standards can be further improved and modernized. For example, while the code provides some flexibility for an applicant to request alternative parking arrangements, including off-site parking and shared parking, many communities have more expansive provisions that include additional alternatives such as deferred parking, and credit for some on-street spaces. Basic configuration and design provisions might also be broadened and include stacking lanes for drive-throughs and “throat” lanes for large parking lots. The summary table could be updated to ensure every use is included, and that the section on commercial parking in residential areas is updated.

In addition, and based on comments from interviewees, the city might also consider encouraging more pedestrian-friendly parking arrangements and fostering more livable and sustainable development through the following modifications to the parking standards:

- Reductions in the amount of required parking for uses generally, based on “best practices” across the nation;
- Clarification of the surfacing, marking and configuration requirements;
- Use of caps, or limits on the maximum number of spaces for some/all uses (e.g., mixed-use, retail, office and multi-family);
- Requirements that a portion of the required surface parking in targeted areas of the community (e.g., along commercial corridors or commercial activity centers) or certain



Parking provisions have a huge affect on the appearance and livability of a community.

zoning districts be located on the sides or rear of buildings;

- Requirements to break-up large parking lots into “rooms” or “pods” and incorporate pedestrian-friendly features like sidewalks and more landscaping; and
- Requirements in targeted locations for bicycle parking facilities and other transit-related facilities.

Many communities across the country are moving towards these kinds of standards as a means to promote a higher quality visual environment, reduce automobile dependency, and help address environmental/sustainability concerns.

## B. CLARIFY LANDSCAPING STANDARDS

Adequate landscaping is one of the key elements many communities use to “raise the bar” for development quality, in an effort to make neighborhoods and development more livable and sustainable, make the community “greener,” and establish an aesthetically-pleasing built environment. Effective plantings soften transitions between buildings, screen parking and service areas, buffer incompatible uses from one another, and assist in dealing with stormwater runoff quality. Trees provide shade for parking areas and buildings, soften the built environment, and help define public realm along streets.

The current landscape standards are found in both Chapter 5 and Chapter 7 of the development ordinance, and include some basic standards for streetscapes, vehicle service area landscaping and screening. A list of recommended plants is included in the Appendices.

We suggest the city consider the following modifications to the current landscape standards to strengthen the development ordinance’s landscaping requirements in an effort to create a more livable and sustainable community:

- Consolidate all landscaping standards into a single section.
- Expand the basic planting standards to include species diversity requirements, use of drought tolerant plants (to minimize need for irrigation), use of low water loss irrigation techniques (except for single-family development), and the incorporation of modern concepts such as aggregate caliper inch (ACI) requirements tied to linear distance measurements in buffers and streetscapes.
- Increase the general planting standards for parking lots to include requirements for perimeter screening with shrubs and standards for landscape island plantings.
- Establish new configuration standards requiring large parking areas (e.g., over 100 spaces) to be broken up into a series of “rooms” or “pods” separated by landscaping.



Landscaping standards can improve the visual quality of development

- Shift to more flexible, performance-based perimeter buffer standards including increased options for achieving suitable buffering on smaller lots in infill areas and along commercial corridors.
- Include basic site landscaping requirements designed to soften building foundations and provide transitions to pedestrian areas for nonresidential and multi-family buildings.
- Include new requirements for the placement of street trees on both sides of all streets (except alleys) planted between the back of the curb and the sidewalk.
- Add requirements to integrate stormwater management facilities into a site as amenities, or fully screen them from all views.
- Include an alternative landscaping plan provision that offers additional flexibility for sites with difficult configurations or topographical issues.

In addition to these changes, we suggest the new landscaping provisions include better maintenance, inspection and enforcement provisions.

### **C. OPEN SPACE SET-ASIDE STANDARDS**

The Community Growth Vision Statement establishes a goal of protecting the city's natural resources. Specifically, one of the key objectives in the Growth Vision Statement is to "preserve and link open spaces where opportunities exist, and leverage them as community and economic assets." Given this goal, the city might consider some refinements to its existing open space set-aside regulations as a way to upgrade development quality and establish "greener" development policies.

Specifically, several modifications to the development ordinance might be considered to implement these goals. The first is to apply the open space set-aside standards in a more broad-based fashion – to all development (both residential and nonresidential), not just subdivisions (which are primarily single-family residential developments). The second is to distinguish the open space set-aside standard based on geographical location (the core city area and possibly other infill areas versus all other locations in the city) and development type – residential and nonresidential (office, commercial, and industrial) development. The third is to base the set-aside standard as a percent of the development site, not the number or intensity of development. A number of communities have adopted an open space set-aside standard of 15 to 30 percent for residential development and 10 to 20 percent for non-residential development.

Based on "best practices" in other communities, we suggest that if the city wants to adopt such standards the following standards be considered as a starting point for discussion:

- The core city area and targeted infill areas:
  - Residential development (10%);

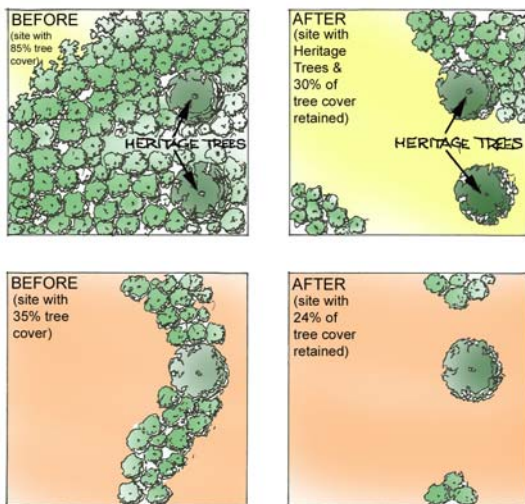


Open space set-aside areas located near the center of a development form a focal point for the development they serve.

- Office and commercial districts (5%);
- Industrial development (5%).
- All other locations in the city:
  - Residential development (20%);
  - Office and commercial districts (12%);
  - Industrial development (10%).

We also suggest that if open space set-aside standards are integrated in the development ordinance, they recognize open space resources are different within urban contexts than suburban contexts. For example, many communities with open space set-aside standards allow plazas, fountains, street furnishings, pedestrian amenities, roof gardens, and atriums as open space resources in urban areas. The standards might also include a fee-in-lieu process for situations where provision of open space resources is not practical. The existing rules governing the location and quality of open space set-asides could be refined to ensure the open space being set-aside is usable and functional. These refined standards help ensure open spaces become an amenity rather than “leftovers” that are not easily developed. In residential subdivisions, for example, standards could ensure that open space adds amenity and focus to a neighborhood in the form maintaining natural and riparian areas (so the development is built in ways that are consistent with the natural functioning of the land), a centrally located park, or creating a “tot lot” with play equipment.

Finally, the city could also consider, for residential subdivision development, requiring the developer to provide lands for public recreation purposes to serve the residents of the subdivision or pay an in-lieu fee for that purpose as described in the Parks and Recreation Master Plan.



Tree protection provisions maintain a portion of the existing tree canopy after development

#### D. TREE PROTECTION STANDARDS<sup>40</sup>

One of the key development issues in the Land Use Plan is environmental protection, and more specifically greater tree preservation, particularly street trees and use of trees in buffers to buffer incompatible uses. The existing development ordinance does not include any standards for the protection of trees on private property except within streetyard areas on lots in the Eastchester Scenic Corridor overlay. Tree protection is limited to public tree preservation, as provided in Chapter 7. While these provisions should be maintained (as well as the Urban Forestry Committee in its capacity related to public tree protection), the city might also consider including new provisions to protect trees on private lands instead of allowing clear cutting and replacement of new plantings. The maintenance and protection of trees and tree canopy add multiple benefits to a community. They soften the impacts of development, and generally improve aesthetic quality. They also provide environmental benefits as they result in the decrease of impervious surfaces, and assist in the maintenance of ecosystems and habitat. In recent years, a

<sup>40</sup> Based on input from the City Attorney, local enabling legislation is necessary for the city to adopt tree protection regulations for private lands; consequently, tree protection standards could only be included in the development ordinance if the local enabling legislation is provided by the North Carolina Legislature.

number of communities (e.g., Raleigh, Cary, Apex, Mooresville) have added such provisions.

If adding tree protection provisions is considered, we suggest it could be done in several ways:

- Adding requirements that a certain percentage of existing tree canopy cover be retained on new development sites,
- Adding requirements to protect specimen or heritage trees—trees of a certain type or size, and
- Adding requirements for tree protection during construction, and provisions for tree removal mitigation.

Existing tree canopy cover retention standards are being used more and more by North Carolina communities as well as other east coast communities outside North Carolina as a way of preserving ecosystems and habitat, and improving development quality. Under this approach, a certain amount or percentage of existing tree canopy (of trees of a certain size and type) are maintained on the development site. If the city decides to embrace this type of tree protection option, we suggest the development ordinance set out a sliding scale of canopy retention that varies based on the zoning classification of a site as well as the amount of existing tree canopy cover. These provisions do not prevent tree removal, but require some percentage of the existing trees be left on a development site. Existing trees are given accelerated credit towards landscaping requirements, and areas where trees are saved are also credited towards any open space set-aside requirements.

Another regulatory tool used by communities in addition to or as an alternative to tree canopy retention, are standards that preserve and protect specimen and heritage trees. These are trees of a specified minimum caliper size, usually the larger trees in the community. Under this approach, removal or damage of the specimen or heritage tree is prohibited except in certain instances, such as when there is danger to public safety or when the tree prevents any economic use of the site under its existing zoning classification.

Finally, it is suggested that if the city establishes tree protection standards, it is also important to include standards that address tree protection during construction to ensure protected trees are not unintentionally harmed, as well as new standards for mitigation and inspection.



Mass grading activities alter natural land forms and can result in degradation to surface water runoff quality.

## **E. MASS GRADING <sup>41</sup>**

Another change to the development ordinance the city might consider to foster more livable and sustainable neighborhoods is to explore limits on mass grading. Mass grading typically consists of reshaping the ground surface (via grading and filling) to planned grades over most or all

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<sup>41</sup> Based on input from the City Attorney, local enabling legislation is necessary for the city to adopt regulations to prevent clear cutting; or mass grading; consequently, clear cutting or mass grading standards could only be included in the development ordinance if the local enabling legislation is provided by the North Carolina Legislature.

of a proposed development site. Mass grading activities seek to remove steep grades to limit erosion and establish a flat, uniform building pad or set of building pads for future development. However, these activities can result in land forms that are established with little or no regard to existing topographical features, vegetation, or surrounding context. Mass grading can disrupt the hydrology of an area and result in monotonous landscapes that are inconsistent with surrounding terrain.

The purpose of mass grading limitations is to reduce the amount of land exposed to erosion and sedimentation during construction, to maintain the land's natural features, to maintain the soil's ability to uptake stormwater, as well as to retain some of the aspects of the pre-development topographic conditions, and to maintain existing trees and vegetation, as a means of maintaining consistency with surrounding off-site areas. The city might consider modifying the development ordinance to include some standards to limit the negative impacts of mass grading, such as:

- Inclusion of open space set-aside standards that prioritize retention of natural areas with significant changes in elevation;
- Tree canopy protection standards that require a percentage of existing tree cover to be maintained prior to and after development;
- The ability to credit stormwater BMPs towards open space set-aside requirements when such features are provided as site amenities;
- Steep slope regulations that limit disturbance of slopes over 25 percent.

## F. COMMUNITY FORM STANDARDS

A community's development form plays an important role in defining the livability of its neighborhoods and commercial areas. The most fundamental features of development form are: blocks; streets and streetscapes; street connections, and pedestrian ways.

High Point's current regulations do not address these issues. If the city is interested in addressing these issues, we suggest it consider including a basic set of community form standards in the development ordinance that apply to all new development outside the core city area (and possibly targeted infill development areas). The table below sets out a range of community form standards that have been adopted in other communities for consideration:

TABLE 2-5: POTENTIAL COMMUNITY FORM STANDARDS	
STANDARD	POTENTIAL REQUIREMENTS
Street Design Standards	All "local" streets be designed for maximum speeds (e.g., of 25 miles an hour)
	Street widths be minimized
	Traffic circles, raised crosswalks, a grid pattern, or a modified grid pattern be encouraged
	New development be designed and located to accommodate arterial and collector streets identified on the city's thoroughfare plan
	Development be designed and located to front onto a street
Street Connectivity Standards	Application of a street connectivity index, to ensure a minimum level of street connections
	Cul-de-sacs not exceed a maximum length of 500 feet, and provide pedestrian access to any adjacent pedestrian system or other local streets
	Minimum external street connectivity, by requiring a roadway connection be provided for new development at least every 1,250 to 1,500 feet for each direction (north, south, east, west) in which the development abuts a similar or compatible use
Minimum Number of Entry Points	Require at least two ingress/egress points from all subdivisions with 50 units or more
	Require one additional entry for every 200 dwellings
	Limitations on placement of driveways within 500 linear feet of an entrance/exit

**TABLE 2-5: POTENTIAL COMMUNITY FORM STANDARDS**

STANDARD	POTENTIAL REQUIREMENTS
Traffic Calming Techniques	Interrupt long straight street segments over 1,200 feet in length
	Utilize street jogs, off-sets, and roundabouts
	Require curvilinear street design along portions of grid streets
	Require speed tables or raised crosswalks at key intersections
	Use chicanes, neck-downs, and medians along wide streets
Private Street Standards	Require private streets to be built to public street standards
Sidewalks	Sidewalks be provided on both sides of every street, except in cases where environmental or topographic features make such provision impractical, when a nearby trail or other public pedestrian way can serve the same function as a sidewalk, or the development lies on an arterial or major collector road, and there are no connecting sidewalks within 500 feet, or when a fee-in-lieu is appropriate
	Connections be made to existing or planned sidewalks at the property boundaries
	New non-residential and multi-family development provides at least one improved internal pedestrian access to the public right-of-way
Lot Access Standards	Driveways not have direct access to arterial streets unless no alternative means of access (e.g. alleys or parallel access streets) exists, and it is unreasonable or impractical to require a parallel access street from an adjacent arterial
	Driveway access to collector streets be limited
	Driveway access in residential zoning districts be prohibited from areas with lot widths that are 50 feet or less for pedestrian safety and aesthetic purposes (access to be provided by alleys)
	Driveway widths be limited. For commercial, multi-family and mixed use development, widths not exceed 24 feet. For single-family development, widths not exceed 12 feet between the street intersection point and a distance of 25 feet toward the house, and not exceed a width of 20 feet beyond that point
Block Design Standards	The average block length in a development (when blocks are used) not exceed 800 feet, with a maximum block length of 1,000 feet -- except in cases where environmental constraints (e.g. wetlands, streams, and severe slopes) make it impossible or impracticable to design such block lengths
Cross Access Standards	All non-residential and multi-family development be designed to allow for cross access (across or through vehicular use areas) to adjacent properties with compatible uses (to encourage shared parking and shared access to streets) -- except in situations where environmental, topographic, or safety hazard issues make it impossible or impracticable

## G. COMMERCIAL DESIGN STANDARDS

The current development ordinance does not include minimum design standards for commercial development. Consequently, quality commercial development in the city often results only through negotiation or landowner willingness. In many cases, where commercial uses are permitted “by right” they often lack many of the basic features that help establish a strong sense of place, pedestrian orientation, and human-scale. Addressing this concern is identified as an objective in the Community Growth Vision Statement. It was also identified by some stakeholders during the project kick-off meetings as an issue of concern that should be addressed in the development ordinance. The specific concerns identified with respect to existing commercial development in the city include:

- Large buildings without visual breaks in their mass;
- Buildings oriented to parking lots rather than to streets;
- Streets fronted by buildings with blank walls and parking lots;
- The mismatch of scale and height between large commercial buildings and nearby residential structures;
- A lack of screening for parking, loading, and service areas; and

- A lack of controls to ensure the compatibility of commercial and office development located at the edge of residential development.

To address these concerns, and implement the goals and policies of the city's plans, the city might consider including in the development ordinance a basic set of commercial design standards that apply to all new commercial development outside the core city area. The table below includes a sampling of the types of standards that have been adopted in other jurisdictions to address these issues, for consideration:

TABLE 2-6: POTENTIAL COMMERCIAL DESIGN STANDARDS	
STANDARD	POTENTIAL REQUIREMENTS
Building Orientation Standards	Buildings front streets (not parking lots)
	Buildings orient around a central spine street or accessway (for multi-building developments)
	Buildings maintain visual rhythm along streets through building spacing standards for outbuildings
	Buildings comply with limitations on auto-oriented uses (e.g., gas stations, convenience stores, and surface parking lots) on corner lots along major streets
Building Massing Standards	Prohibit blank walls on building sides facing streets
	Establish requirements for wall offsets and projections for longer facades (i.e., over 30 feet long)
	Require roof line changes reflecting the required façade massing changes, such as roof planes
	Set out minimum glazing standards
	Establish side face design by requiring all side facades facing residential development be broken up to prevent an uninterrupted faced plane to extend greater than 40 feet in length through the use of façade off-sets, pilasters, roof-line changes, or a combination of these approaches
	Establish requirements for “four-sided” architecture for outbuildings
	Provide new roof form requirements aimed at breaking up flat roofs and providing visual interest
Roof Standards	A variety of three or more sloping roof planes with greater than or equal to one foot of vertical rise for every three feet of horizontal run
	All roof vents, pipes, antennas, and other roof penetrations (with the exception of chimneys) be located on the rear elevations or configured so as to have a minimal visual impact as seen from the street
	All roof-based mechanical equipment be screened from view from the street and existing single-family development
On-Site Pedestrian Circulation Standards	The development connect with the public sidewalk system, if it is adjacent
	Standards for incorporating pedestrian pathways in large parking areas
	Inclusion of safety elements such as raised or differentiated crosswalks
	Requirements for provision of public gathering spaces for buildings or developments over a certain size
Parking, Garages, and Service Area Standards	A certain portion of the off-street surface parking be located to the side or rear of a structure in targeted areas or zoning districts,
	Where surface parking areas are adjacent to a public right-of-way, such areas be peripherally screened by a year-round complete screen composed of low shrubs, shade trees, fences, walls, or any combination of the above, a minimum of three feet in height above grade
	When walls or fences are provided, walls be constructed of stone, brick or concrete with a stucco or similar exterior finish, and fences be made of wood or black colored cast metal
	Landscaping, such as shrubs and/or trees, be provided between any wall or fence and the right-of-way
Outdoor Storage Standards	Controls limiting visibility of outdoor storage, mechanical equipment, and service areas from streets and single-family residential uses
	Outdoor storage, dumpsters and mechanical equipment to be fully screened from view
	Limitations on the amount of primary façade that could be occupied by outdoor sales display
Operational Standards	Limitations on the hours of operations for uses with outdoor components located adjacent to existing residential uses

## H. SINGLE-FAMILY DESIGN STANDARDS

The city's existing development ordinance does not include single-family residential design standards. While there are examples of new planned developments and older neighborhoods that reflect good residential design and development practices, there is certainly room for improvement. In addition, some of the recent residential development suffers from many common problems, such as:

- Visual dominance of the street corridor by garages and driveways,
- Homes that “turn their backs” on adjacent streets bordering the development (reverse frontage), and
- Repetition of monotonous facade designs on homes throughout a subdivision.

To address these concerns, and improve the livability and sustainability of greenfield areas, the city might consider including a basic set of residential development standards that are applied to new single-family development outside the core city area and other targeted infill areas. The following table identifies a sample of the types of standards that have been adopted in other jurisdictions to address these issues, for consideration:

TABLE 2-7: POTENTIAL SINGLE-FAMILY DESIGN STANDARDS	
STANDARD	POTENTIAL REQUIREMENTS
Building Orientation Standards	New single family homes be oriented to face the street they front
	Portion of new homes front open space set-asides
Reverse Frontage Standards	Prohibit reverse frontage (situations where new homes back up to roads ringing the perimeter of the development) except along interstates and major streets where new driveways would interfere with access management
Garage Placement Standards	Require garages to be behind the front façade plane of the dwelling
	Limit the size of detached and semi-detached garages relative to the size of the dwelling's primary façade
Driveway Width Standards	Establishing maximum driveway width standards (e.g., 12 feet when in front of a dwelling), and requirements for narrow lots (e.g., 50 feet wide or less) to be served by alleys located to the rear of lots
Massing Standards	Single-family dwellings to provide articulations on the front of the home when the length of the front facade of a home exceeds a certain distance
Architectural Variability Standards	New single-family dwellings must have “visibly different” facades

## I. MULTI-FAMILY DESIGN STANDARDS

The current development ordinance has some standards in Section 9-4-11 that address multi-family development, but there is room for improvement. As mentioned previously, there are numerous city policies, goals, and objectives aimed at accommodating a wider range of residential use types and densities, particularly within the core city area. Ensuring that new multi-family development contributes to greater livability and sustainability in greenfield areas might require a comprehensive set of multi-family design standards. The following table provides a sample of the types of standards that have been adopted by other jurisdictions, for consideration:

TABLE 2-8: POTENTIAL MULTI-FAMILY DESIGN STANDARDS	
STANDARD	POTENTIAL REQUIREMENTS
Building Orientation	Encourage buildings to be oriented toward the street, and some buildings front common open space areas
Building Form Standards	New types of building forms, including triplexes, two-family homes served by a common primary entrance, and mansion apartments (four to seven units located in a single building designed to appear as a large single-family home)
Vehicular Use Area Location Standards	Requiring garages and surface parking areas be located to the side or rear of multi-family buildings

**TABLE 2-8: POTENTIAL MULTI-FAMILY DESIGN STANDARDS**

STANDARD	POTENTIAL REQUIREMENTS
Transitional Standards	Limitations on the size of multi-family structures within 100 feet of single-family residences, including a maximum building size, maximum building length, limitations on the number of units in a single building (i.e., six units), and minimum separations in multi-building developments
Massing Standards	Provide articulations on the front of the building when the length of the front facade of a home exceeds a certain distance
Storage Standards	Multi-family units to be served by on-site enclosed storage, based on the size of the unit
Open Space Set-Aside Standards	Multi-family developments to provide a certain amount of on-site active recreation features (e.g., playground equipment, courts, pools, etc.) in open space areas

## J. EXTERIOR LIGHTING PROVISIONS

The spillover of light and glare from buildings and parking lots can be a serious annoyance to neighbors, pedestrians and passing motorists. The city's current regulations, however, provide only a minimal exterior lighting provision in section 9-5-1(a). In an effort to improve livability and sustainability, a number of codes in North Carolina and the southeast have adopted exterior lighting standards to address neighborhood compatibility and aesthetic concerns. This is something the city might consider.

If new exterior lighting standards are established, they should be measurable, and address glare, direction, shielding, spillover, maximum height, and maximum on-site levels of light to enhance safety as well as address compatibility and aesthetic concerns. The following table provides a sample of the types of standards that have been adopted by other jurisdictions, for consideration.

**TABLE 2-9: POTENTIAL EXTERIOR LIGHTING STANDARDS**

STANDARD	POTENTIAL REQUIREMENTS
Hours of Illumination	Public and institutional uses, commercial uses, and industrial uses that are adjacent to existing residential development or vacant land in residential districts shall turn off all exterior lighting—except lighting necessary for security or emergency purposes—by 10:00 P.M. or during non-operating hours
Maximum Lighting Height	Except for outdoor sports fields or performance areas, the height of outdoor lighting, whether mounted on poles or walls or by other means, shall be no greater than 20 feet in residential districts
Illumination Direction	In all districts, lighting shall be directed downward. In addition, upwardly-directed lighting shall not be used to illuminate structures, except for low-wattage architectural lighting
Sign Lighting	Lighting fixtures illuminating signs shall comply with the standards of this section, and such fixtures shall be aimed and shielded so that direct illumination is focused exclusively on the sign face
Exemptions for a Security Plan	Government facilities, parks and open areas, public safety, and other uses where sensitive or dangerous materials are stored may submit to the Planning Director a site security plan proposing exterior lighting that allows deviation from the standards



The image on the top depicts a common use with no limitations on glare or illumination value. The image on the bottom is the same use with exterior lighting provisions in place.

**TABLE 2-9: POTENTIAL EXTERIOR LIGHTING STANDARDS**

STANDARD	POTENTIAL REQUIREMENTS
Shielding, Exterior	Light fixtures in excess of 60 watts or 100 lumens shall use full cut-off lenses or hoods to prevent glare or spillover from the site onto adjacent lands and streets
Shielding, Interior	No interior light source shall be positioned, aimed, or configured so as to result in the light source being visible from land occupied by existing residential development.
Shielding, Canopies	No light source in a canopy structure shall extend downward further than the lowest edge of the canopy ceiling
Maximum Illumination Levels	Most regulations establish maximum illumination levels for all outdoor lighting and indoor lighting visible from outside

## K. FENCING PROVISIONS

Along with exterior lighting requirements, fencing requirements also have a significant impact on a city's aesthetics. The city's current code has no general fencing appearance standards. Section 9-5-1(d) specifies that where screening is required it shall be of an acceptable screening material approved by the Enforcement Officer. The code does not specify what materials are considered acceptable. Many communities that have initiated efforts to improve development quality have added or modified fencing and wall standards. This is another area the city might consider modifying to achieve a higher-quality built environment. Such standards could include prohibition of certain types of fencing materials in front and side-yards beyond those already under consideration by the city (e.g., prohibitions on metal slat fencing or chain link fences in front yards and along public streets), height limitations (e.g., up to six feet in residential areas and 10 feet in commercial areas), and required landscaping in front of fences located within 20 feet of a public street. It should be noted, however, that if new fence standards are prepared, they must be carefully tailored for infill and mixed-use projects so that they do not thwart compact development or create barriers to connectivity. The following table provides a sample of the types of standards that have been adopted by other jurisdictions, for consideration.

**TABLE 2-10: POTENTIAL FENCING AND WALL STANDARDS**

STANDARD	POTENTIAL REQUIREMENTS
Location	Fences are permitted on the property line between two or more parcels of land held in private ownership
Temporary Fences	Temporary fences for construction sites or a similar purpose shall comply with the requirements of the building code adopted by the city and the standards of the zoning code
Visibility Clearance	Fences and walls shall be placed outside of required sight triangles or areas needed for visibility
Height Requirements	<p>(a) Residential Districts In residential districts, fences and walls shall not exceed a height of four feet in front yards and that part of side yards located between a side street right-of-way and the side of a structure, or a height of six feet in side and rear yards</p> <p>(b) Business Districts In business districts, fences and walls shall not be permitted in front setback areas, and shall not exceed a height of six feet in the remainder of front yards and ten feet in side or rear yards, unless the fence in the side or rear yard is located within 20 feet of a public right-of-way, in which case it shall not exceed a height of six feet</p>
Customary Materials	Fences and walls shall be constructed of any combination of treated wood posts and planks, rot-resistant wood (such as cypress or redwood), wrought iron, decorative metal materials, brick, stone, masonry materials, or products designed to resemble these materials. All other fence materials are prohibited
Maintenance Required	All fences and walls shall be maintained in good repair and in a safe and attractive condition—including, but not limited to, the replacement of missing, decayed, or broken structural and decorative elements. All fences and walls shall receive regular structural maintenance to prevent and address sagging and weathering of surfaces visible from the public right-of-way

## 2.6 KEY BENEFIT FIVE: CREATE ADDITIONAL FLEXIBILITY AND INCENTIVES

A number of modern development codes employ flexibility provisions and incentives to encourage preferred development forms. The establishment of flexible provisions is expressed as a desirable objective in the city's Land Use Plan, particularly in focal areas like the NC 68 corridor and the area around Clinard Farms Road. The Core City Plan encourages the use of flexibility provisions to address existing nonconformities and reinforce the urban context. The Community Growth Vision Statement calls for the implementation of zoning incentives to encourage job growth and commercial uses. We suggest the city consider incorporating the following flexibility provisions and regulatory incentives into its development ordinance to assist in reaching its growth and development goals:

- Establishment of parking, landscaping, and community form standards that recognize the need for greater flexibility in the core city area versus the greenfield portions of the community;
- Use of a two-tiered administrative adjustment process to allow administrative approval of minor adjustments and greater modifications where compensating public benefits are provided to help achieve city goals;
- Allowing alternative forms of compliance when proposals meet or exceed minimum code standards;
- Inclusion of incentives like density bonuses, additional height, reduced parking, or landscaping for preferred development forms;
- Use of contextual dimensional standards in the core city and other strategic areas to stimulate redevelopment by minimizing nonconformities; and
- Linking minimum compliance on nonconforming sites to the level of redevelopment investment being made.

### FLEXIBILITY AND INCENTIVES:

- A. Calibrate Standards for Urban Contexts
- B. Two-Tiered Administrative Adjustment Process
- C. Alternative Forms of Compliance
- D. Incentives for Preferred Development Forms
- E. Contextual Dimensional Standards to Stimulate Redevelopment
- F. Compliance with Standards

Each is discussed in more detail below:

### A. CALIBRATE STANDARDS FOR URBAN CONTEXTS

As mentioned earlier, High Point has a dual personality development template – the core city is urban with a grid street pattern, uniform blocks, buildings with consistent setbacks, consistently-sized lots, and generally higher-density development patterns than other parts of the community. The area outside the core city is more suburban in nature, with curvilinear streets, blocks that follow topographic changes, larger ranges in lot size, shape, and configuration, and less regularity in building placement and architecture.

Many times, when development standards calibrated for suburban contexts are applied in urban areas, they result in nonconformities. That is the case in the core city today. In addition, they can result in an inefficient use of available land for parking, open space, buffers, or similar site features. In some cases, they

may result in a disruption in the rhythm of building façades along block faces as buildings are separated by swaths of landscaping and surface parking.

These kinds of problems can be avoided when development standards include a sufficient amount of flexibility to address urban versus suburban contexts. For example, perimeter landscaping buffer requirements can include an alternative configuration in urban areas that does not require a minimum width, or which allows a reduction in plant counts when fences or walls are used. Likewise, streetscape buffers can be replaced by requirements for street trees in tree wells along streets in urban areas. Passive open space requirements that are important for maintaining livability in suburban areas can be replaced by requirements for urban plazas, fountains, roof gardens, or similar pedestrian features in urban areas. Off-street parking requirements can be reduced or waived (as is already done in the Central Business (CB) district) in urban settings. Community form requirements related to block width, street width, and access spacing can be reduced to maintain urban character.

We suggest the city consider modifying its development ordinance so that it recognizes and takes into account these kinds of contextual differences between the core city areas and the suburban greenfield areas outside the core city.

## **B. TWO-TIERED ADMINISTRATIVE ADJUSTMENT PROCESS**

Section 2.2 of this code assessment includes discussion on a proposed two-tiered administrative adjustment process, which is a procedure similar to the city's current modifications procedure found in Section 9-9-10 of the current development ordinance.

Administrative adjustments are a way for the city to address applications for development on difficult sites, unintended consequences from application of the development standards, conflicts between the development regulations and other regulatory provisions, or which recognize development proposals that use alternative approaches and exceed minimum quality standards. Administrative adjustments allow developments to deviate from numerical standards like setbacks, bulk characteristics, parking counts, sign face area, or similar development standards when such deviations are necessary to allow permitted development, preserve trees, maintain consistency with surroundings, or establish development in closer alignment with city goals than would result through strict adherence with the normal standards.

Section 2.2 recommends establishment of a two-tiered approach to adjustments, where minor adjustments (type I) are approved administratively by the Planning Director and larger adjustments (type II) are recommended by the Planning Director and reviewed and decided upon by the Technical Review Committee; in addition, type II administrative adjustments require provision of compensating public benefits by the applicant. A decision on either a type I or type II administrative adjustment may be appealed to the City Council.

Such a provision should provide needed flexibility to the application of the development standards ordinance and relieve some of the nonconformities in the core city area.

## **C. ALTERNATIVE FORMS OF COMPLIANCE**

One modern trend in development codes is to include provisions that allow an alternative form of compliance for one or more development standards. For example, off-street parking standards often include the ability to submit an alternative parking plan that proposes a reduction in the total number of spaces, more spaces than are allowed, or an alternative parking configuration that differs from code standards (with regard to placement, paving materials, or similar features), which can be approved if it is consistent with long-range planning goals or the intent of the development ordinance and specific approval criteria. In some cases, these kinds of alternative plans can be submitted for almost any development standards (e.g., landscaping, screening, lighting, fencing, signage). The process involves the submittal of an

alternative plan that describes the alternative form of compliance and how it meets or exceeds the minimum standards in the ordinance. If used, it is important to establish specific criteria in the development ordinance to establish parameters for the type of alternative compliance that is acceptable.

## D. INCENTIVES FOR PREFERRED DEVELOPMENT FORMS

Another tool the city might consider including in its development ordinance is a set of regulations that reward projects with preferred types of development. Preferred development might consist of projects that:

- Include vertically-integrated mixed uses;
- Exceed minimum design standards;
- Provide additional open space resources beyond the minimum required;
- Provide affordable housing; or
- Include structured parking (in urban areas).

Incentives for preferred development could include density bonuses, the ability to exceed height limits, deviation from maximum or minimum parking standards, the ability to exceed lot coverage limitations, or other modifications.

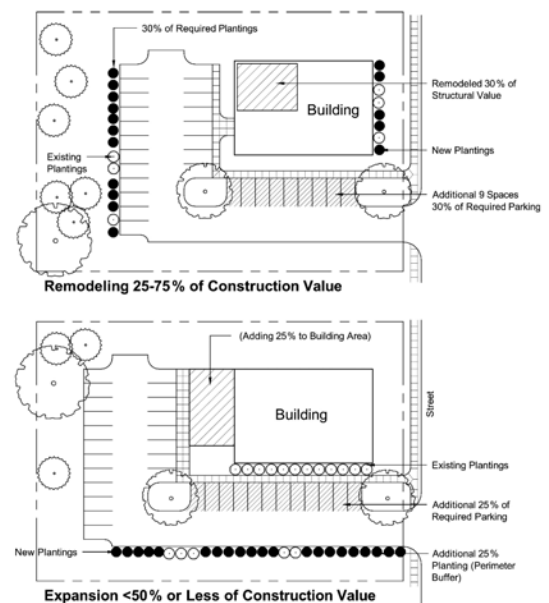
## E. CONTEXTUAL DIMENSIONAL STANDARDS TO STIMULATE REDEVELOPMENT

Today, there are numerous lots in the city that do not conform with the minimum lot area or width requirements due to rezonings, annexations, or changes to district standards, particularly in the residential neighborhoods in the core city. These nonconformities create a substantial disincentive to redevelop due to the fact the landowner is required to show “hardship” and gain approval of a variance at a public hearing before redevelopment. Ways in which communities have addressed the problems that we suggest the city consider for its development ordinance are identified below:

- Remove minimum setbacks in some key redevelopment areas for many residential use types;
- Remove minimum lot area requirements in some of the key residential districts in favor of new regulations that control maximum lot coverage and density;
- Adopt contextual standards that require development to maintain setbacks that are consistent with 125 percent of the average setbacks for similar uses on the same block face (unless an administrative adjustment is obtained).

## F. COMPLIANCE WITH STANDARDS

The current development ordinance does not address nonconforming site features (e.g., nonconforming landscaping, signage, parking, screening, fencing, design, etc.), but more and more codes do. The city might consider including a provision in its development



Example application of nonconforming site provisions for parking and landscaping.

ordinance to address nonconforming site elements in areas outside the core city. Typically, such procedures require that specified site elements be brought into conformance with new regulations based on a sliding scale, when a structure is substantially remodeled, when the floor area of a building is enlarged, or when a use changes. The amount of compliance to be achieved is tied to the amount of investment made. For example, remodeling efforts costing less than 25 percent of the structure's assessed value might not trigger the need to address nonconforming site features, but remodeling with a cost in excess of 75 percent of the assessed value might require full compliance. Remodeling activities falling between 25 and 75 percent of the structure's assessed value might require an applicant to bring the site's compliance up to current standards by a percentage amount equivalent to the amount being spent.

Sites changing uses might be required to achieve full compliance with the standards. Finally, the standards usually include an important "safety valve" provision that allows for a waiver of requirements in cases where there are physical constraints on the site that prevent upgrading certain nonconforming elements (e.g., where there is insufficient room to accommodate all required parking spaces).

## PART 3: ANNOTATED OUTLINE

Part III of this code assessment provides an overview of what the proposed structure and general substance of the development ordinance would look like if the suggestions identified in Part II are addressed. As part of the review and discussion of this report, the city can consider this proposed structure and format. Drafting of a new development ordinance is not part of the code assessment project, and will require further direction from the City Council. In the event the city decides to pursue an update to the development ordinance, this section can serve as a “road map” for that process.

The following pages present a general outline of a revised development ordinance. We view this annotated outline, and the previous diagnosis as vehicles for helping to define expectations about what could be accomplished should a new development ordinance be drafted. In addition to providing a road map for a new development ordinance, the outline provides an organizing framework for continued discussions of key zoning and development regulation issues. This material is presented as a starting point for subsequent discussions. The sidebar provides the suggested framework of chapters.

The structure and contents of each of the chapters is listed on the following pages.

### DEVELOPMENT ORDINANCE STRUCTURE:

- Article 9.1 General Provisions
- Article 9.2 Administration
- Article 9.3 Zoning Districts
- Article 9.4 Use Regulations
- Article 9.5 Development Standards
- Article 9.6 Environmental Standards
- Article 9.7 Subdivision Standards
- Article 9.8 Nonconformities
- Article 9.9 Enforcement
- Article 9.10 Definitions

### 3.1 CHAPTER 9-1: GENERAL PROVISIONS

**General Commentary:** This chapter contains important general provisions that are relevant to the development ordinance as a whole. While most of these provisions are traditional, all would be specifically tailored to High Point. The chapter plays an important part in making the ordinance user-friendly by including certain overarching principles and establishing a clear basis for the authority by which the ordinance is adopted, its administration, and its substantive regulations. Many provisions that are now located in various places throughout the existing regulations are consolidated here.

#### A. TITLE

This is a standard section that is not located in the existing development ordinance (hereinafter “existing ordinance”). It sets forth the official name by which the Development Ordinance may be cited (e.g., “The Development Ordinance of the City of High Point”) as well as any acceptable shortened references (e.g., “the DO,” or “this DO” or “DO”).

#### B. AUTHORITY

This is a new section and contains references to the statutory basis for zoning and subdivision in High Point (G.S. §160A Chapter 19 Parts I and II). It will state that the ordinance consolidates the city's zoning and subdivision regulatory authority under the North Carolina General Statutes.

#### C. GENERAL PURPOSE AND INTENT

A general purpose and intent section can inform decision-makers in future years about the intent of the City Council when they adopted the ordinance. This section replaces Section 9-1-3, Purpose. This section will include statements from the enabling legislation in Chapter 160A of the General Statutes as well as relevant goal statements from the city's long range planning documents. Individual purpose statements related to districts, design standards, or procedures will be relocated to reside with those provisions.

#### D. APPLICABILITY AND JURISDICTION

This section builds on the existing provisions found in Section 9-1-5 of the existing ordinance and makes clear who is subject to the regulations of the ordinance. In particular, it clarifies that the city, city-controlled entities, colleges and universities, special districts within the city, and all private development are all subject to the ordinance. In addition, the section clarifies that state and county buildings will need to comply with the ordinance (in accordance with G.S. §160A-392), and that development not subject to G.S. §160A-392 (e.g. activities of the federal government) is strongly encouraged to comply with the standards.

#### E. CONFORMANCE WITH ADOPTED PLANS

This is a new section and sets out the requirements for development to be in compliance with the city's Land Use Plan, Core City Plan, Community Growth Vision Statement, relevant small area plans, and any other applicable planning documents. The section will explain how compliance with the plan requirements will be evaluated.

#### F. RELATIONSHIP WITH OTHER LAWS, COVENANTS OR DEED RESTRICTIONS

This is a new section that provides that, in case of conflict between the ordinance and other legislative enactments of the state or city, the stricter provision shall apply. The section clarifies that the city will not

be responsible for monitoring or enforcing private easements, covenants and restrictions, though it may inquire into private easements and restrictions in reviewing development plans for the purpose of ensuring consistency with city requirements.

## G. OFFICIAL ZONING MAP

This section incorporates by reference the City of High Point Official Zoning Map (as is done in Section 9-1-11 of existing ordinance) as well as any related maps, such as the watershed maps. The section also provides for amendment of the map upon the approval of a rezoning application.

The section will include a standard provision establishing the rules governing how the city assigns the zoning district classification of newly-annexed lands under the ordinance.

The section will also incorporate the provisions in the existing ordinance that relate to boundary interpretation. The section will clarify the Planning Director's authority to interpret the map and determine where the boundaries of the different zoning districts fall if in dispute. The section also provides that appeals from the Planning Director's interpretations of district boundaries may be made to the Board of Adjustment (BOA).

The section will also outline the transition to the new zoning districts with the adoption of the new ordinance by including a summary table of the former zoning districts along with the corresponding new zoning districts and zoning overlays being adopted with the new code.

The translation of former zoning districts to new zoning districts is intended to increase efficiency by reducing the total number of zoning districts, and ensure that the districts that are carried forward do not overlap with one another. State law recognizes the need for jurisdictions to translate and modernize their zoning districts from time to time, and this translation is allowable for standard base zoning and overlay districts provided the proper notification and public hearing forum is provided prior to the change. The proposed zoning district table on Page 3-9 sets out the current base and overlay districts and how they could be treated in a new development ordinance.

## H. TRANSITIONAL PROVISIONS

The proposed Transitional Provisions section is a new section that expands on the approach in the existing ordinance by establishing that:

- Violations of the current regulations continue to be violations under the new ordinance (unless they are no longer considered violations) and are subject to the penalties and enforcement provisions set forth in new Article 9-9, *Enforcement*.
- Completed applications that are already in the development approval pipeline at the time of the adoption of the new ordinance may be processed under the provisions of the prior zoning ordinance. In the event that an applicant seeks to proceed under the standards in the new ordinance (instead of the regulations in place at the time the application was originally submitted), the application would need to be withdrawn and resubmitted.
- Special use permits, variances, conditional rezonings, preliminary plats, statutorily-vested development and building permits are governed by the terms and conditions of their approvals, and the rules in existence at the time of their approval. If, however, they fail to comply with the terms and conditions of their approval or fail to meet established time frames, their approval expires, and development of the site subject to the permits must comply with the requirements of the new ordinance.
- Applications submitted after the effective date of the new ordinance are subject to the procedures and standards of the new ordinance.

**I. VESTED RIGHTS**

This section will carry forward some of the provisions from Section 9-3-18, Vested Rights in the existing ordinance.

**J. SEVERABILITY**

This standard provision builds on the provisions set forth in Section 9-1-13 and declares that if any part of the ordinance is ruled invalid, the remainder of the ordinance is not affected and continues to apply.

## 3.2 CHAPTER 9-2: ADMINISTRATION

**General Commentary:** This is a consolidated chapter containing all information on the various review and decision-making bodies in the city (e.g., City Council, Planning and Zoning Commission, Board of Adjustment, Historic Preservation Commission, Technical Review Committee, and city staff). The chapter also includes the common review procedures section that sets out the application submittal and review process. The chapter also includes detailed information on the various individual permit review procedures (map amendments, site plans, building permits, etc.). This information will be consolidated, streamlined, and conformed to all recent changes in the development review process made by the city.

### A. ADMINISTRATIVE AND DECISION-MAKING BODIES

The first section in the new Administration Chapter is a section that identifies the administrative and decision-making entities and persons responsible for the review and administration of development under the ordinance. It is our experience that provisions such as these help to establish clear lines of authority in the city's decision-making procedures. This section will identify the specific responsibilities relative to the ordinance of each review board or staff person. The table in this section provides an overview of the review structure proposed in the new ordinance.

<b>TABLE 2-1: PROPOSED DEVELOPMENT REVIEW STRUCTURE</b> <sup>42 43</sup> D = DECISION    R = RECOMMENDATION    C = COMMENT    A = APPEAL    <> = PUBLIC HEARING							
PROCEDURE	REVIEW AND DECISION-MAKING BODIES						
	CITY COUNCIL	PLANNING & ZONING COMMISSION	BOARD OF ADJUSTMENT	HISTORIC PRESERVATION COMMISSION	TECHNICAL REVIEW COMMITTEE	PLANNING DIRECTOR	ENGINEERING SERVICES DIRECTOR
AMENDMENTS							
Land Use Plan Amendment <sup>44</sup>	<D>	<R>				R	
Text Amendment	<D>	<R>				R	
Official Zoning Map Amendment	<D>	<R>		R <sup>45</sup>		R	
Conditional Rezoning <sup>46</sup>	<D>	<R>			C <sup>47</sup>	R	

<sup>42</sup> This table is a summary of all city administrative and decision-making bodies as well as the proposed permit review procedures. The Planning Director is suggested as the official authorized to interpret the ordinance and the official zoning map (instead of the BOA). These changes are proposed to streamline and simplify the ordinance.

<sup>43</sup> All recommendations made by city staff includes the preparation of a staff report along with the recommendation.

<sup>44</sup> This procedure carries forward Section 9-3-9 of the current development ordinance, but adds some criteria, and indicates that if a land use plan amendment is required prior to an official zoning map amendment, the land use plan amendment must occur first.

<sup>45</sup> The HPC provides a recommendation on applications associated with a historic district or landmark.

<sup>46</sup> This is the proposed one-step legislative conditional rezoning process discussed in Section 2.2 G. 1.

<sup>47</sup> Comments made by the TRC on conditional rezoning applications focus on infrastructure issues, and whether or not services are available.

<b>TABLE 2-1: PROPOSED DEVELOPMENT REVIEW STRUCTURE</b> <sup>42 43</sup> D = DECISION    R = RECOMMENDATION    C = COMMENT    A = APPEAL    <> = PUBLIC HEARING							
PROCEDURE	REVIEW AND DECISION-MAKING BODIES						
	CITY COUNCIL	PLANNING & ZONING COMMISSION	BOARD OF ADJUSTMENT	HISTORIC PRESERVATION COMMISSION	TECHNICAL REVIEW COMMITTEE	PLANNING DIRECTOR	ENGINEERING SERVICES DIRECTOR
Planned Development <sup>48</sup>	<D>	<R>			C <sup>49</sup>	R	
SITE PLANS / SUBDIVISIONS							
Minor Site Plan	<A>					D	
Major Site Plan	<A>				D		
Minor Subdivision	<A>					D	
Preliminary Subdivision Plat	<A>				D		
Final Subdivision Plat	<A>					D	
PERMITS / CERTIFICATES							
Special Use Permit	<D>	<R>		R <sup>50</sup>	C	R	
Land Disturbing Permit <sup>51</sup>			<A>				D
Tree Removal Permit <sup>52</sup>			<A>			D	
Building Permit			<A>			D	
Zoning Compliance Permit <sup>53</sup>			<A>			D	
Certificate of Occupancy <sup>54</sup>			<A>			D	
Certificate of Appropriateness			<A>	D		R	
Temporary Use Permit <sup>55</sup>			<A>			D	

<sup>48</sup> This is a new process for planned developments that follows the revisions discussed in Section 2.2 G. 3 of the diagnosis. The new procedure requires preparation of a master plan and a terms and conditions statement similar to current requirements.

<sup>49</sup> Comments made by the TRC on planned development applications focus on infrastructure issues, and whether or not services are available.

<sup>50</sup> The HPC provides a recommendation on applications associated with a historic district or landmark.

<sup>51</sup> We suggest the current Flood Plain Development Permit procedure in Section 9-3-3(e) be renamed the Land Disturbing Permit.

<sup>52</sup> This is a new permit that is intended for specific cases if the city decides to adopt tree protection standards on private lands. The permit would be required if an applicant seeks to timber or clear-cut a lot or site, but has no intention to file an application for a development permit, or when an existing specimen tree is proposed for removal on an existing multi-family or nonresidential lot (if development regulations are adopted protecting specimen trees). The permit would ensure the landowner complies with any tree protection standards included in the Ordinance. The Urban Forestry Committee will be carried forward in the new UDO, and will retain responsibility for review of trees on public lands, but will not be involved in review of tree removal permits on private lands.

<sup>53</sup> This is the cross-check for compliance/consistency with the ordinance and any applicable conditions prior to issuance of a building permit or development activity in cases where no building permit is required.

<sup>54</sup> This is the certificate of compliance process described in Section 9-3-6(a), but it has been renamed to prevent confusion associated with the new zoning compliance permit. The certificate of occupancy is issued after construction is completed. The zoning compliance certificate is issued before a building permit is issued. In cases where no building permit is required, or where occupancy is not possible (e.g., a fence), the zoning compliance permit is the only permit issued.

<sup>55</sup> The temporary event permit in Section 9-3-3(f) of the current ordinance is proposed for re-naming to the temporary use permit and used to permit events and temporary uses or structures.

<b>TABLE 2-1: PROPOSED DEVELOPMENT REVIEW STRUCTURE</b> <sup>42 43</sup> D = DECISION    R = RECOMMENDATION    C = COMMENT    A = APPEAL    <> = PUBLIC HEARING							
PROCEDURE	REVIEW AND DECISION-MAKING BODIES						
	CITY COUNCIL	PLANNING & ZONING COMMISSION	BOARD OF ADJUSTMENT	HISTORIC PRESERVATION COMMISSION	TECHNICAL REVIEW COMMITTEE	PLANNING DIRECTOR	ENGINEERING SERVICES DIRECTOR
Sign Permit			<A>			D	
Vested Rights Certificate	<D>	<R>				R	
MODIFICATIONS/APEALS							
Type I Administrative Adjustment <sup>56</sup>	A					D	
Type II Administrative Adjustment <sup>57</sup>	A				D	R	
Special Exception			<D>			R	
Variance <sup>58</sup>			<D>			R	
Street Name Change		<D>				R	
Appeal <sup>59</sup>			<D>			C	
OTHER PROCEDURES							
Interpretation			<A>			D	
Development Agreement <sup>60</sup>	<D>	<R>				R	
Beneficial Use Determination <sup>61</sup>	<D>	<R>				C <sup>62</sup>	
Street Abandonment	<D>	<R>			C	R	

<sup>56</sup> This procedure renames and changes the Modification process in Section 9-9-10 in the current ordinance. The new procedure establishes two tiers of adjustments; one minor (type I) and one for larger adjustments (type II). It authorizes the Planning Director to review and decide type I adjustments and TRC to review and decide the type II adjustments. Both the type I and type II administrative adjustments may be appealed to the City Council. While the current procedure lacks a threshold for modification, the administrative adjustment procedure would include thresholds for both the type I and type II adjustment to make the procedure more predictable.

<sup>57</sup> As is discussed in the previous footnote, the type II administrative adjustment allows for larger adjustments. It also requires a sketch plan or concept plan (if not associated with a site plan or subdivision application) that is reviewed and decided by the TRC; and it requires the applicant to propose one or more “compensating public benefits” as part of the application. Compensating public benefits might be greater provision of open space, extra street connectivity, extra landscaping, higher quality of design, or some other benefits. The schedule of possible benefits is supplied in the code as a menu, and the applicant can select the one or more compensating benefits, but the TRC has ultimate approval authority. This approach can also be calibrated to geographic areas, where some modifications that would normally be type II adjustments can be treated as type I adjustments for the purpose of providing incentives for preferred development.

<sup>58</sup> This procedure includes flood damage prevention variances. Minor watershed variances are reviewed and decided by the TRC. All other watershed variances are heard by the NC Environmental Management Commission following review by the City Council.

<sup>59</sup> Appeals are taken to the court of jurisdiction.

<sup>60</sup> This is a new provision that allows landowners to request the city to enter into development agreements related to the development of their property, subject to the requirements of the N.C.G.S.

<sup>61</sup> This is a new procedure consistent with United States Supreme Court decisions, which provides for nonjudicial relief to a property owner who believes the application of the ordinance results in a takings of his or her property.

<sup>62</sup> The City Attorney will counsel the Planning Director, the Planning and Zoning Commission, and the City Council on a request for a beneficial use determination.

**B. COMMON REVIEW PROCEDURES**

In the current zoning ordinance, several of the procedures for development applications (like public notice or appeal provisions) are set forth in individual permit processes. The modern trend in zoning administration is to consolidate these procedures – which is what this section on “common review procedures” does. It guides the potential applicant through the rules governing who is authorized to submit applications, application content requirements and fees, through the actual application submittal and review stage (the pre-application conference, neighborhood meetings, application submission and completeness determination, staff review, scheduling the public hearing (if one is required) and public notification). Flow charts or other diagrams are included as aids to understanding the review process. See Page 2-17 of the diagnosis for more information on the common review procedures section.

**C. STANDARDS AND REQUIREMENTS FOR DEVELOPMENT APPLICATIONS**

This third section in the Administration Article includes the specific review standards that are applied to each individual application for development approval, other unique procedural review requirements for each individual application if there are additional or different procedures apart from the common review procedures, and the rules governing minor modifications and amendments. It broadens the line-up of current procedures by adding information on Interpretations, and new permit procedures, including a Temporary Use Permit, and more. Each permit procedure will include a review process flowchart. See Section 2.2 G. of the diagnosis for more information on the individual development review procedures.

### 3.3 CHAPTER 9-3: ZONING DISTRICTS

**General Commentary:** As discussed in Part II, Diagnosis, we recommend revising the zoning district regulations in the new ordinance to better organize the zoning district standards and make them more “user-friendly” than those found in the current development ordinance. In order to accomplish these objectives, we recommend the following structural changes to the zoning districts in the new ordinance:

- Revise the current zoning district structure to consolidate overlapping districts and more closely follow best practices with regard to district streamlining;
- Revise the current conditional use rezoning procedure to the one-step legislative conditional rezoning procedure;
- Consolidate and streamline some residential and nonresidential districts where possible to simplify ordinance administration and promote use-mixing;
- Establish a new mixed-use base district for use throughout the city;
- Include a new institutional district to address the long-term growth and viability of High Point University, High Point Regional Hospital, and Guilford Technical Community College;
- Revise the commercial zoning districts into a new three-tier structure that more closely links the type of use and level of intensity to the district where authorized (Neighborhood Business (NB); General Business (GB); and Retail Center (RC);
- Substantially modify the existing Corporate Park (CP) district and rename Employment Center (EMPLOY) district, to allow for an array of employment type uses, with additional development standards to improve the aesthetics of this type of development.
- Establish a new Parks and Conservation (PC) district that is intended to be applied to public park lands and other public lands that are protected for conservation and resource protection purposes.
- Set out a series of five planned development districts (four new districts (planned development-core city; planned development-suburban-residential; planned development-suburban-commercial; and planned development-suburban-employment center) and one current district (planned development-TN)) that recognizes the different development characteristics and needs between the core city and suburban areas of the community, and allows additional flexibility in uses and development standards in favor of high quality mixed-use developments that surpass the minimum requirements of the ordinance;
- Establish a series of new overlay districts to address issues on lands within certain gateway corridors and established residential neighborhoods; and
- Organize and present district-based information in a graphic format that includes intent statements, photographic examples of typical development types, dimensional standards graphic depictions of building envelopes, and typical lot patterns (See Appendix D for an example from another community.).
- The table below includes a proposed district line-up for the city’s consideration.

TABLE 3-2: PROPOSED ZONING DISTRICT TABLE	
CURRENT ZONING DISTRICTS	POTENTIAL ZONING DISTRICTS IN NEW ORDINANCE
RESIDENTIAL DISTRICTS <sup>63</sup>	
Agricultural (AG)	Rural <sup>64</sup>
Residential Single Family – 40 (RS-40)	
Residential Single Family – 20 (RS-20)	Residential Single Family – 20 (RS-20)
Residential Single Family – 15 (RS-15)	Residential Single Family – 12 (RS-12) <sup>65</sup>
Residential Single Family – 12 (RS-12)	
Residential Single Family – 9 (RS-9)	Residential Single Family – 8 (RS-8) <sup>66</sup>
Residential Single Family – 7 (RS-7)	
Residential Single Family – 5 (RS-5)	Residential Single Family – 5 (RS-5)
Residential Multifamily – 5 (RM-5)	Residential Multi-Family – 5 (RM-5)
Residential Multifamily – 8 (RM-8)	Residential Multi-Family – 12 (RM-12) <sup>67</sup>
Residential Multifamily – 12 (RM-12)	
Residential Multifamily – 18 (RM-18)	Residential Multi-Family – 18 (RM-18) <sup>68</sup>
Residential Multifamily – 26 (RM-26)	
BUSINESS DISTRICTS	
General Office Moderate Intensity (GO-M)	Office & Institutional (OI) <sup>69</sup>
General Office High Intensity (GO-H)	
Limited Office (LO)	Transitional Office (TO) <sup>70</sup>
Neighborhood Business (NB)	Neighborhood Business (NB) <sup>71</sup>
Limited Business (LB)	

<sup>63</sup> It is suggested that with respect to all the residential districts, instead of using minimum lot areas standards, the new ordinance use lot area averages in applying dimensional standards for lots.

<sup>64</sup> This district consolidates the city's most rural districts. It allows agricultural and residential uses on 5-acre lots as well as conservation subdivisions to protect environmentally-sensitive areas.

<sup>65</sup> These districts are consolidated for ease in administration. The dimensional requirements from RS-12 would be used as the district requirements to minimize creation of nonconformities.

<sup>66</sup> These districts are consolidated, in part, because their uses and dimensional standards are very similar, and RS-7 is not used very often. The new RS-8 district would require that the average size lot in a subdivision be 8,000 square feet.

<sup>67</sup> This district consolidation is proposed because the current districts are not widely used.

<sup>68</sup> This district consolidation is proposed for ease of administration. Lands in the current districts with densities exceeding the new base density might be considered for reclassification to other districts, where appropriate (e.g., to the new MX district, or the OI district).

<sup>69</sup> This district consolidation is proposed because of the similarities of uses allowed, and dimensional standards.

<sup>70</sup> The LO district is carried forward, but its name changed (Transitional Office) to more closely align with the district purpose, to serve as a transition district between single family residential neighborhoods and more intense retail areas. It is suggested that the current uses in the LO district be refined and limited to moderate density residential, office, and neighborhood serving retail and service uses, and that development standards be added to maintain the desired physical features of the district.

<sup>71</sup> This district consolidation is proposed because of the similarities of uses allowed, and dimensional standards. It would be restricted to neighborhood serving type commercial uses; additional development standards would be added to ensure development is of a smaller-scale, neighborhood serving character.

TABLE 3-2: PROPOSED ZONING DISTRICT TABLE	
CURRENT ZONING DISTRICTS	POTENTIAL ZONING DISTRICTS IN NEW ORDINANCE
General Business (GB)	General Business (GB) <sup>72</sup>
Highway Business (HB)	
Shopping Center (SC)	Retail Center (RC) <sup>73</sup>
Central Business (CB)	Central Business (CB)
	Mixed-Use (MX) [NEW] <sup>74</sup>
Corporate Park (CP)	Employment Center (EMPLOY) <sup>75</sup>
Light Industrial (LI)	Light Industrial (LI)
Heavy Industrial (HI)	Heavy Industrial (HI)
SPECIAL DISTRICTS	
Public and Institutional (PI) <sup>76</sup>	
	Institutional (I) [NEW] <sup>77</sup>
	Parks and Conservation (PC) [NEW] <sup>78</sup>
Main Street (MS) <sup>79</sup>	Main Street (MS)
PLANNED DEVELOPMENT DISTRICTS	
Conditional Use Planned Unit Development – Residential (CU-PDR)	
Conditional Use Planned Unit Development – Mixed (CU-PDM)	
Conditional Use Planned Unit Development – Limited (CU-PDL)	
Traditional Neighborhood (TN)	Planned Development-Traditional Neighborhood (PD-TN)

<sup>72</sup> This consolidated district would allow more intense commercial uses; auto sales, home improvement stores, and the like. It is contemplated the General Business (GB) district would have two applications -- one for the Core City and another for the suburban area of the city, where different development standards would apply.

<sup>73</sup> The current shopping center district is proposed to be renamed to retail center (RC). It would allow shopping center and other similar retail uses. It is contemplated that the district would have two applications, with different development standards for each -- one for the Core City and another for the suburban area of the city.

<sup>74</sup> This is a new mixed-use base district that would be a good addition to the city's toolbox. It could be used to address Core City Plan recommendations regarding the eight mixed-use centers (instead of the overlay approach already taken for the Washington Drive area, or in other areas where mixed-uses are desirable).

<sup>75</sup> It is suggested the Corporate Park district be substantially modified and renamed the Employment Center district. It would allow for an array of employment types uses, with additional development standards to improve the aesthetics of this type of development in the community.

<sup>76</sup> The existing PI district, which includes public school, public park, university, cemetery, and government uses, is proposed to be deleted and replaced with a new Institutional district and a new Parks and Conservation district. Public schools, cemeteries, and government uses are already allowed in other base zoning districts.

<sup>77</sup> This is a new Institutional district intended for application to large-scale institutional uses like High Point Regional Hospital, High Point University, and Guilford Technical Community College satellite campus on South Main Street. Each of these land uses has a unique character quite different from the other nonresidential uses in the core city area, and consequently does not necessarily fit well with the other districts (see discussion in Section 2.3 B of the diagnosis).

<sup>78</sup> This is a new district that is intended to be applied to public park lands and other public lands that are protected for conservation and resource protection purposes.

<sup>79</sup> This district was added as part of Text Amendment 08-02, adopted 3/17/08, and sets out the base zoning district provisions for the two portions of Main Street extending north and south from the central business district as identified in the Core City Plan.

<b>TABLE 3-2: PROPOSED ZONING DISTRICT TABLE</b>	
<b>CURRENT ZONING DISTRICTS</b>	<b>POTENTIAL ZONING DISTRICTS IN NEW ORDINANCE</b>
	Planned Development-Core City (PD-CC) [NEW] <sup>80</sup>
	Planned Development-Suburban-Residential (PD-S-R) [NEW] <sup>81</sup>
	Planned Development-Suburban-Commercial (PD-S-C) [NEW] <sup>82</sup>
	Planned Development-Suburban-Employment Center (PD-S-EC) [NEW] <sup>83</sup>
<b>OVERLAYS</b>	
Historic District (HD)	Local Historic Overlay (LHO) <sup>84</sup>
Scenic Corridor District (SR)	Gateway Corridor Overlay (GCO) <sup>85</sup>
Airport District (AR)	Airport Overlay (ARO)
Manufactured Housing District (MH)	Manufactured Housing Overlay (MHO)
Watershed Critical Area District (WCA)	Watershed Overlay (WRO)[1]
General Watershed Area District (GWA)	
Mixed-Use Center Overlay District (MUC) <sup>86</sup>	
	Market Overlay District (MKT) [NEW] <sup>87</sup>
	Neighborhood Conservation Overlay (NCO) [NEW] <sup>88</sup>
<b>NOTES</b>	
[1] Watershed critical areas are denoted on the watershed maps with a "C" as WRC.	

<sup>80</sup> This is a new planned development district that is designed specifically for the core city area. It will be crafted to so that it can be applied to infill sites and allow mixed use development. In addition to the typical planned development standards, the regulations will include elements that emphasize urban design and ensure development is compatible with its context.

<sup>81</sup> This is a new planned development district that is designed specifically for residential development on lands that are outside the core city area (the suburban- area of the community). It will also allow for modest amounts of neighborhood serving retail and service uses. It would include development standards to ensure a minimum level of quality.

<sup>82</sup> This is a new planned development district that is designed specifically for lands that are outside the core city area (the suburban- area of the community). It is a development option primarily for retail and office developments, but would also allow and encourage a mix of moderate and high density residential development, and related service uses, when residential uses are developed. It would include additional development standards to ensure a minimum level of aesthetics for this type of development in the community.

<sup>83</sup> This is a new planned development district that is designed specifically for lands that are outside the core city area (the suburban- area of the community). It would allow for an array of employment-type uses, along with moderate and higher density residential development, and modest amounts of retail uses. It would include additional development standards to ensure a minimum level of aesthetics for this type of development in the community.

<sup>84</sup> The three local historic district overlays in the current development ordinance would be carried forward.

<sup>85</sup> The name of the SCO district, which is intended to apply to the city's gateways, is changed to Gateway Overlay district to more closely align the district name with its purpose. (see discussion on gateway overlay districts in Section 2.4 D of the diagnosis).

<sup>86</sup> This overlay district was added as part of Text Amendment 08-02, adopted 3/17/08, and sets out the mixed-use center district provisions for the portion of Washington Drive designated as Central Business (CB) that is located within the historic downtown. It is proposed that the new ordinance include mixed-use (MX) base zoning districts; if that is done, the existing MUC district would be absorbed in these new MX base zoning districts (without significant changes to its development standards).

<sup>87</sup> The market overlay district (MKT) is a new zoning district in the city core that is being prepared by city staff to accommodate continued furniture showroom development and establish district-specific standards to address pedestrian-orientation and compatibility.

<sup>88</sup> This is a new district framework for new individual conservation overlay districts developed after a neighborhood plan or area plan is completed. We anticipate there could be several different overlays developed, as is done in Raleigh.

## 3.4 CHAPTER 9-4: USE STANDARDS

**General Commentary:** While the zoning district regulations will be located in Article 9-3, Zoning Districts, the use regulations will be contained in Article 9-4, Use Standards. This chapter will reorganize High Point’s use regulations into five main sections.

### A. USE TABLE

The heart of Article 4, Use Standards, is the summary use table. It builds on the current lists of uses defined in each zoning district section and includes a range of new uses not found in the current development ordinance. It also includes additional information related to any use-specific standards that may apply, and where those standards may be found.

### B. USE CLASSIFICATIONS, CATEGORIES, AND TYPES

In an effort to provide better organization, precision, clarity, and flexibility to the uses in the zoning districts and the administration of the use table, the table and use regulation system will be organized around the

three-tiered concept of use classifications, use categories, and use types instead of the SIC code (which is the current organizational framework for the use regulations). Use classifications, the broadest category, organize land uses and activities into general use categories (agricultural uses, residential uses, public and institutional uses, commercial uses, and industrial uses). Use categories, the second level or tier in the system, is composed of groups of individual types of uses. Use categories are further divided into specific use types based on common functional, product, or physical characteristics, such as the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered, and site conditions. This three-tiered system of use classifications, use categories, and use types provides a systematic basis for assigning present and future land uses into zoning districts.

TABLE <>: TABLE OF ALLOWED USES												
P = PERMITTED			S = SPECIAL EXCEPTION			A = ALLOWED IN PD DISTRICT			BLANK CELL = PROHIBITED			
USE CATEGORY	USE TYPE	ZONING DISTRICT									ADDITIONAL STANDARDS	
		RESIDENTIAL			NONRESIDENTIAL				PLANNED DEVELOPMENT			
		RSF	RTF	RMF	DC	RC	M C	C C	CN	PD-R		PD-C
RESIDENTIAL USE CLASSIFICATION												
Household Living	Multi-family Dwelling			P		P		P		A	A	164.03-01(A)(1)
	Single-family Dwelling	P	P	P	P	P	P	P		A	A	166.05-02
	Two-family Dwelling		P	P	S	P	P	P		A	A	164.03-01(A)(2)
	Townhouse			P	P	P		P		A	A	166.05-03
	Residential unit over nonresidential use			P	P	P	P	P		A	A	
Group Living	Family Day Care Home	P	P	P		P	P	P		A	A	164.03-01(B)(1)
	Group Day Care Home	P	P	P		P	P	P		A	A	164.03-01(B)(2)
	Rooming House			P		P		P		A		164.03-01(B)(3)
INSTITUTIONAL USE CLASSIFICATION												
Schools	School, Private	P	P	P	P		P	P		A	A	
	School, Public	P	P	P	P		P	P		A	A	

Summary use tables can display the three-tiered approach to use classification. The “Residential Use” Classification (in blue) includes several use categories, like “household living” and “group living”. The household living use category includes several different specific use types (e.g., multi-family dwelling, single-family, etc.).

Summary use tables can display the three-tiered approach to use classification. The “Residential Use” Classification (in blue) includes several use categories, like “household living” and “group living”. The household living use category includes several different specific use types (e.g., multi-family dwelling, single-family, etc.).

### C. USE-SPECIFIC STANDARDS

This section will consolidate the specific use standards located in separate district sections into one section. It will contain all of the special standards and requirements that apply to individual principal use types listed in the use table. The standards generally apply to uses regardless of whether they are permitted as a matter of right or are subject to the special use permit process. Additional standards will be added for new uses as appropriate.

**D. ACCESSORY USES AND STRUCTURES**

Accessory uses or structures are those uses that are subordinate to the principal use of a building or land, located on the same lot as the principal use, and customarily incidental to such use or structure. For example, an above- or below-ground swimming pool is typically considered an accessory structure to a single-family home. All of the regulations and standards governing accessory uses and structures will be located in this section, including those pertaining to home occupations and accessory dwelling units.

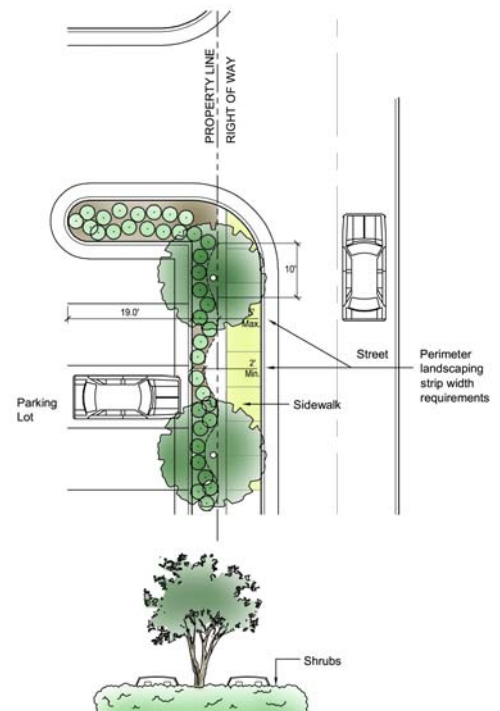
**E. TEMPORARY USES AND STRUCTURES**

Temporary uses are uses proposed to be located in a zoning district for a limited duration of time that are not identified as permitted uses. Temporary uses typically last for a shorter duration and are intended to attract large numbers of people at one time, such as concerts, fairs, circuses, large receptions or parties, and community festivals. The Temporary Use Permit procedure established in the Chapter 9-2, Administration, will be used to evaluate these uses, based on the standards and time limitations for temporary uses and special events established in this section.

### 3.5 CHAPTER 9-5: DEVELOPMENT STANDARDS

**General Commentary:** This chapter contains all of the development standards in the new ordinance related to the physical layout of new development with the exception of the environmental standards in Chapter 9-6, and subdivision standards, which are found in Chapter 9-7, Subdivision Standards. The proposed contents of Chapter 9-5, Development Standards, are discussed below. New or revised standards incorporated into this chapter are discussed in the diagnosis and include:

- New off-street parking and loading standards as described in the diagnosis;
- Revised landscaping standards that emphasize new standards for parking lots, performance-based buffers, site landscaping;
- New open space set-aside standards as described in the diagnosis;
- Revised fence and walls standards that focus on fence appearance and limiting fence heights;
- New exterior lighting standards as described in the diagnosis;
- New community form standards as described in the diagnosis;
- New commercial/office design standards;
- New single-family design standards addressing orientation, garage placement, and variability;
- New multi-family design standards focusing on multi-family structure appearance;
- New transitional and infill standards for nonresidential and multi-family development abutting existing single-family development; and
- Carrying forward the existing signage standards with no substantive revision.



#### A. OFF-STREET PARKING AND LOADING

This section replaces the provisions found in Section 9-5-6. The standards in this new section include revised, updated quantitative off-street parking requirements for uses matching the revised use table for consistency and ease of use. The permissible location of off-street parking areas will be set forth and differentiated by district and type of development. See Page 2-34 for more details on proposed changes.

New parking and landscaping standards will help raise the bar for development quality.

#### B. LANDSCAPING STANDARDS

The current landscaping requirements in Section 9-5-11 will be upgraded and the general planting requirements increased. To improve clarity, graphics will be used, as appropriate, to explain the requirements for landscaping. See Page 2-35 for more details on the proposed changes to landscaping provisions.

**C. OPEN SPACE SET-ASIDES**

One of the most significant changes we recommend is a shift from dedicated park land requirements to private common open space set-asides with an option for dedication at the city's discretion. See discussion of open space set-asides on Page 2-36 of the diagnosis. This section will also include any provisions related to park land and greenways.

**D. FENCES AND WALLS**

This is a new section that establishes minimum standards for perimeter fencing and walls. See Page 2-42 of the diagnosis for additional information.

**E. EXTERIOR LIGHTING**

This section adds new provisions addressing exterior lighting addressing glare, direction, shielding, spillover, maximum height, and maximum on-site levels of light with measurable limits for new exterior lighting. See Page 2-42 of the diagnosis for additional information.

**F. COMMUNITY FORM STANDARDS**

See discussion of community form standards on Page 2-38 of the diagnosis.

**G. TRANSITIONAL STANDARDS**

See discussion of transitional standards on Page 2-28 of the diagnosis.

**H. INFILL STANDARDS**

See discussion of infill standards on Page 2-29 of the diagnosis.

**I. COMMERCIAL DESIGN STANDARDS**

See discussion of commercial design standards on Page 2-39 of the diagnosis.

**J. SINGLE-FAMILY DESIGN STANDARDS**

See discussion of single-family design standards on Page 2-41 of the diagnosis.

**K. MULTI-FAMILY DESIGN STANDARDS**

See discussion of multi-family design standards on Page 2-41 of the diagnosis.

**L. SIGNAGE**

This section will set forth standards for signage in Section 9-5-16 of the current development ordinance with no substantive changes.

## 3.6 CHAPTER 9-6: ENVIRONMENTAL STANDARDS

**General Commentary:** This chapter will consolidate the various environmental protection regulations related to tree protection, mass grading, riparian buffers, watershed, stormwater control, flooding, and hazardous substances.

### A. TREE PROTECTION

This section includes the standards for retention of existing tree canopy on private lands. Standards could be included which require a varying percentage of the existing tree canopy on a site be maintained during the development process (e.g., five percent retained for industrial property, 10 percent for commercial property, and 25 percent for residential property). The standards may also include a reforestation provision for situations when retention of the existing tree canopy cover is not practical.

The section will also carry forward the standards for trees on public lands in Sections 9-7-31 through 9-7-35 in the current development ordinance with no substantive modifications.

### B. MASS GRADING

This section will include the standards related to mass grading, including what constitutes mass grading, the prohibitions against grading in certain areas (e.g., tree protection zones, open space areas, areas with steep slopes, etc.). See Page 2-38 of the diagnosis for additional discussion.

### C. WATERSHED PROTECTION

This section will carry forward the applicability provisions, protection of fragile areas, and the general standards and requirements for development in water supply watershed areas with no substantive changes. The section will carry forward the low impact development alternative in Section 9-7-4 of the current zoning ordinance. Material related to the individual district boundaries will be consolidated with the overlay district material. Procedural material will be relocated to the procedures section in Chapter 9-2, Administration.

### D. SOIL EROSION AND SEDIMENTATION

This section will carry forward the stormwater runoff control provisions from Sections 9-6-9 and 9-6-10 in the current development ordinance with no substantive changes. The section will include the home owner association provisions and other material related to stormwater detention facilities.

### E. FLOOD DAMAGE PREVENTION

This section will consolidate the various flood damage prevention provisions with no substantive changes except those needed for greater clarity.

### F. HAZARD AND TOXIC SUBSTANCES

This section carries forward the standards in Section 9-7-26 related to hazardous and toxic substances in the current development ordinance with no substantive changes.

## 3.7 CHAPTER 9-7: SUBDIVISION STANDARDS

**General Commentary:** One of the primary goals for this ordinance revision effort is to increase the user-friendliness of the document. Along these lines, this chapter will include the standards related to the subdivision of land and the provision of public utilities as a part of new development. The chapter will also include the standards and procedures related to performance guarantees and conservation subdivisions, which are proposed as a replacement to the current cluster subdivision provisions.

### A. SUBDIVISIONS

This section will carry forward material from subdivision ordinance with several minor changes. The procedural material in the subdivision ordinance related to approval of plats will be replaced by the subdivision review procedures in Article 9-2, Administration. All of the submittal/plat requirements are recommended for relocation to an Administrative Manual.

### B. PERFORMANCE GUARANTEES/BONDING

This section will carry forward and modernize the improvement guarantees/bonding material from the subdivision ordinance as it relates to the performance guarantees for public improvements associated with new development. This section will include provisions related to guarantees of private site features such as trees provided as replacement or mitigation for removal of trees in a tree protection zone (or when planting of required landscaping is delayed due to weather or construction issues).

### C. CONSERVATION SUBDIVISION

This section will establish new standards for a conservation subdivision option. It will be available to single-family development to use on a voluntary basis, and will be applied and used during the subdivision process. Conservation subdivisions are designed to permit single-family residential development that allows variations in lot area and setback standards if the landowner agrees, as part of the development approval process, to set-aside a large portion of the site in open space. Generally, a conservation subdivision has three primary characteristics: smaller building lots; more open space; and protection of natural features. Within this framework, the rules for site development emphasize setting aside and conserving the most sensitive areas of a site, with the development of building lots on the remaining less sensitive areas. In most cases, by locating development on smaller lots and maintaining open space, it is possible to achieve similar densities as with a conventional subdivision, with the added benefit accruing both to the residents of the subdivision and to the public at large - open space, the protection of natural features, and a more compact development form.

The key conservation subdivision standards will:

- Limit application of the option to single family development (detached and up to four multi-family units in a single structure) in the lower density districts;
- Require a minimum of 10 acres of land;
- Require a minimum of 40 percent of the site be set aside in contiguous open space;
- Allow an increase in maximum densities as well as smaller minimum lot area and lot widths; and
- Establish standards for the open space set-aside.

## 3.8 CHAPTER 9-8: NONCONFORMITIES

**General Commentary:** This chapter consolidates all the rules pertaining to nonconformities from the various different sections in the current zoning ordinance, including Section 9-4-17. The new chapter makes some significant enhancements to the existing regulations including a new sliding scale of compliance requirements for nonconforming site features like landscaping, parking, signage, etc. triggered by redevelopment.

### A. GENERAL APPLICABILITY

#### 1. Purpose and Scope

This subsection will establish that the chapter addresses legally established uses, structures, lots, and signs that do not comply with the requirements of the new ordinance.

#### 2. Authority to Continue

All lawfully established nonconformities will be allowed to continue in accordance with the standards of this chapter.

#### 3. Determination of Nonconformity Status

This new subsection will include a standard provision stating that the landowner, not the city, has the burden of proving the existence of a lawful nonconformity.

#### 4. Minor Repairs and Maintenance

This subsection will state that routine maintenance of nonconforming structures will be allowed to keep nonconforming uses and structures in the same condition they were at the time the nonconformity was established. This rule will also be applied to structures housing nonconforming uses.

#### 5. Change of Tenancy or Ownership

This section will state that change of tenancy or ownership will not, in and of itself, affect nonconformity status.

### B. NONCONFORMING USES

This section will include provisions dealing with existing uses that no longer conform with the zoning district provisions where they are located. The city's current regulations with respect to nonconforming uses will be carried forward, with no substantive modifications.

### C. NONCONFORMING STRUCTURES

This section will establish the key standards governing nonconforming structures. The section will address enlargement, abandonment, relocation, and reconstruction after damage.

### D. NONCONFORMING LOTS OF RECORD

These provision address established lots of record that were platted prior to the effective date of the ordinance, but that do not meet the dimensional requirements of the district where they are located. It discusses the procedures for use of such lots of record when located in a residential district as well as

redevelopment or reconstruction on such lots following a casualty (major damage). In addition, the standards specify that governmental acquisition of a portion of a lot in a residential district shall not render the lot nonconforming (even if it no longer meets the dimensional standards). Finally, the section will deal with changes to nonconforming lots such as boundary line adjustments or assembly of multiple lots.

**E. NONCONFORMING SIGNS**

This section will carry forward the requirements established in Section 9-4-17(d) of the existing ordinance and any related revisions made to the sign regulations by the staff.

## **3.9 CHAPTER 9-9: ENFORCEMENT**

**General Commentary:** This section will carry forward the provisions in Chapter 9-8, Enforcement, in the existing ordinance with some minor reorganization and reformatting to be consistent with the rest of the ordinance. By making it easier to understand the enforcement process, we hope to reduce the time, expense, and uncertainty of enforcing the ordinance.

**A. PURPOSE**

This section will set forth the purpose of the enforcement section.

**B. COMPLIANCE REQUIRED**

This section will state that compliance with all provisions of the ordinance is required.

**C. VIOLATIONS**

This section will explain that failure to comply with any provision of the ordinance, or the terms or conditions of any permit or authorization granted pursuant to the ordinance, shall constitute a violation of the ordinance. The section will include both general violations as well as identifying specific violations.

**D. SOIL EROSION AND SEDIMENTATION CONTROL**

This section will include the enforcement provisions associated with the city's stormwater and sedimentation provisions.

**E. RESPONSIBLE PERSONS**

This section will state that any person who violates the ordinance shall be subject to the remedies and penalties set forth in this chapter. "Person" will be defined broadly to include both human beings and business entities (firms and corporations).

**F. ENFORCEMENT GENERALLY**

This section will identify those persons responsible for enforcement of the provisions of the ordinance, as well as the general enforcement procedure. The Planning Director (or designee) shall be responsible for enforcement of the ordinance. This section will include provisions for notice of violation, and procedures to deal with complaints filed by others regarding a perceived or potential violation.

**G. REMEDIES AND PENALTIES**

This section will include provisions detailing a range of penalties and remedies available to the city under North Carolina law.

## 3.10 CHAPTER 9-10: DEFINITIONS

**General Commentary:** The definitions chapter is the last one in the new ordinance. This section will carry forward many of the provisions and defined terms Chapter 2, Definitions, from the existing ordinance. It will enhance the definitions and use of definitions through:

- Including rules of construction and measurement,
- Adding encroachment standards, and
- Consolidating the numerous definitions spread throughout the ordinance.

Clear definitions of important words and phrases not only make life easier for those who must interpret and administer the ordinance and for those who must hear appeals of decisions made by staff -- they also make it much easier for the public to know what is required. The importance of good definitions as a key component of fairness to the public and consistency in decision-making has led to an increased interest in this seemingly mundane topic.

We will use the definitions found in the existing ordinance as a starting point for the definitions section, and add and revise definitions as necessary to ensure that the definitions do not contain substantive or procedural requirements. We will verify that key definitions conform to federal and North Carolina law and constitutional requirements. We will also add definitions, where necessary.

### A. GENERAL RULES FOR INTERPRETATION

This section will address general issues related to interpretation of ordinance language, including:

- The meaning of standard terms such as “shall,” “should,” “will,” and “may”;
- The use of plural and singular nouns;
- The meaning of conjunctions;
- How time is computed; and
- Other general issues that arise in interpreting and administering the ordinance and its procedures.

### B. RULES OF MEASUREMENT

This section will establish the rules for measuring bulk and dimensional requirements like height, width, setbacks and others, as well as how encroachments into required yards will be determined and regulated.

### C. DEFINITIONS

This section will include definitions of terms used throughout the ordinance.





## PART 4: APPENDICES

1. Appendix A: Citizen Preference Survey Results
2. Appendix B: City Plan and Goal Compliance Matrix
3. Appendix C: Analysis of Current Development Ordinance
4. Appendix D: Example graphics



## APPENDIX A: CITIZEN PREFERENCE SURVEY RESULTS

### A. EXPLANATION OF SURVEY

In September 2008, Clarion Associates conducted a citizen preference survey to help determine some of the desired long-term physical appearance and development characteristics for the City of High Point. The results of the survey will be used to help identify the areas where the city's development regulations are or are not supporting citizen preferences related to community appearance and form.

The survey included a series of 37 images illustrating a variety of conditions and design issues within the city. Images of existing city conditions as well as images from other communities depicting alternative approaches and best practices were included in the survey.

In order to help participants assess their preferences and stimulate discussion, some slides provided participants with two images and asked them to choose which image was preferred. Participants were also asked to identify the specifics about what they liked or disliked about the images. A few slides contained a single image, and participants were asked to comment on the planning concept depicted in the image. The images focused on six major themes:

- Community Form;
- Design Standards;
- Tree Protection and Landscaping;
- Natural Resources and Open Space;
- Fencing Standards; and
- Exterior Lighting Standards.

This summary provides detail on the results of the survey, and includes quotes from participants. Each page of this report addresses a particular concept, and includes the images used in the survey, the respondent's preference rate (where appropriate), quotes taken from the survey forms, and a summary analysis of the responses.

This information will be used by the Clarion team to determine some of the key areas where the City's current development regulations are succeeding or failing to produce desired results.

## STREET TREES

PREFERENCE TOTALS	
Image "P"	82%
Image "J"	18%
No preference	0%



Image "P"



Image "J"

### PARTICIPANT QUOTES

**"Creates an inviting walkway"**

**"Adds to beautification of the landscape."**

**"Better interaction between residents"**

**"Too 'cookie-cutter' looking"**

**"Poor use of land"**

**"No sidewalks"**

**"Preponderance of hard surfaces"**

Overall, 82% of participants preferred streetscapes where street trees are located close to the street (between the sidewalk and the street) (image "P"), as opposed to streetscapes where trees were located farther from the street right-of-way and within residents' yards. The majority of respondents indicated that well-maintained sidewalks with streetscapes serve as a buffer from the road, give the neighborhood a friendlier appearance and provide pedestrians with a safer walking area, thus allowing better neighbor interaction between residents. "Cookie-cutter" houses, a lack of sidewalks, a preponderance of hard surfaces, and the poor use of land were reasons given for not preferring image "J." Those that preferred the image without the street trees, worried that the trees would lift the sidewalks as they matured and block on-street parking.

## GARAGE PLACEMENT

PREFERENCE TOTALS	
Image "V"	82%
Image "H"	18%
No preference	0%



Image "V"



Image "H"

### PARTICIPANT QUOTES

**"Garages are in the back"**

**"Less cluttered looking"**

**"Better curb appeal"**

**"Balanced architectural detail"**

**"Less balance in scale"**

**"Garages are detrimental to design"**

**"Light pollution from cars to townhouses facing the street"**

Participants were shown two slides relating to garage placement and asked whether they preferred developments with garage doors to the rear of the homes or street-facing garage doors. Generally, participants preferred designs with alley-loaded garages in the rear of the houses rather than homes with street-facing garage doors located in the front of the house. They felt the image with the alley loaded garages had better "curb appeal", provided more privacy, and safer access to streets. The sidewalks also made the neighborhood feel more friendly and accessible. Those who preferred image "H", with the garages in the front felt that it was more "traditional," more similar to single-family homes, and liked the fact that the garage was accessed from the front of the home.

## GARAGE PLACEMENT

### PREFERENCE TOTALS

Image "D"	27%
<b>Image "U"</b>	<b>63%</b>
Image "AA"	0%

### PARTICIPANT QUOTES



Image "D"

"Gives you a sense of privacy"

"Less emphasis on the garage"

"The location of the front entrance and garage is better"



Image "U"

"The front door defines the character of who lives there"

"Focus is on the home as a living space"

"More of a community look and appeal"



Image "AA"

"Looks like storage units"

"There's an abundance of cement"

"Too much emphasis on the garage"

Between three images with garages in the front of the house, the majority of participants preferred the garage to be even with the front façade (Image "D") or behind the front façade plane (Image "U"), rather than in front of the home's façade (Image "AA"). With respect to the "garage-forward" design shown in Image "AA", participants felt the garage dominated the view, and took away the focus on the home as a living space, and resulted in with less of a community look and lessened appeal.

## GRADING

PREFERENCE TOTALS	
Image "O"	100%
Image "T"	0%
No preference	0%



Image "O"



Image "T"

### PARTICIPANT QUOTES

"Looks like a very established street"

"Protected, natural feel"

"More contours and character"

"Clear cutting destroys more natural habitat"

"Stark"

"Unnatural"

Participants overwhelmingly (100%) preferred the subdivision that was developed in concert with the natural terrain as opposed to mass grading. They liked that the development contoured with the land, appeared more natural looking, and appeared more established than housing which was built on land that had been unnaturally flattened via common mass-grading practices. They felt that the "stark", "unnatural" "clear-cutting" of the land destroyed the natural habitat and character of the land and development.

## BUILDING ORIENTATION

PREFERENCE TOTALS	
Image "A"	27%
<b>Image "N"</b>	<b>73%</b>
No preference	0%



Image "A"



Image "N"

### PARTICIPANT QUOTES

**"Modern looking, artistic appeal"**  
**"New structure built adjoining older property"**  
**"High-rise, glitzy architecture"**  
**"Over-powering to the surrounding environment"**

**"Nicely designed, traditional touches"**  
**"Fits better into the existing area"**  
**"Creates vertical space without imposing itself"**

The majority of participants preferred a building with individual vertically-oriented windows (Image "N") to one with horizontally-oriented glass window bands (Image "A"). They felt the building in Image N was less expansive, had a softer feel, was more traditionally designed, and created vertical space without imposing itself as much as the other building. The building with horizontal window bands was viewed as too sterile, had a modern "glitzy" architecture, and was overpowering to the surrounding environment. The 27% that preferred the horizontal building, however, liked the more modern, artistic appeal of the building and the way it interacted with the adjoining, older property.

## RECENT DEVELOPMENT



(Note: This is an image of Vermillion, a mixed-use neo-traditional development in Huntersville, NC. The image shows attached residential and live/work units in the foreground).

### PARTICIPANT QUOTES

**“Creates a ‘village’ type feeling”**

**“Would be good for small, individual businesses that are not obtrusive to the neighborhood concept”**

**“Promotes better land use—walkability vs. vehicle miles traveled”**

**“Reminds me of the neighborhoods I knew growing up in a different part of the country”**

Participants liked the live-work and multi-use aspect of the development, as well as the fact that the development promotes more-efficient land use. Several participants also thought this would be particularly beneficial for individual businesses in the area and that the businesses would blend in well with the surrounding residential development. They felt the “village” feeling is warm, inviting, and evokes a strong feeling of “community,” and the porch was mentioned as being particularly helpful in evoking these feelings. The “bland” uniformity of the buildings and townhouses was the major critique of the participants. One participant wanted to see more open space, more trees and more character to the development.

## TREE PROTECTION

### PREFERENCE TOTALS

Image "Z"	55%
Image "I"	45%
No preference	0%



Image "Z"



Image "I"

### PARTICIPANT QUOTES

**"Like natural landscape uses"**

**"Existing vegetation is always better when possible"**

**"More finished looking and more organic"**

**"New plantings will look much better 15 years down the road"**

**"Allows for more appealing landscape"**

**"Aesthetic design in concert with building appearance"**

Participants were split as to whether they preferred standards that require developers to keep as much of the existing tree cover as possible or development that simply includes new landscaping. The 45% of participants who preferred new landscaping felt new plantings would allow for aesthetic design in concert with the new building appearance, as well as plantings that both enhance the building site and allow for more appealing landscape scenery. Those who preferred existing vegetation, felt that the destruction of the natural landscape was detrimental to the environment, and that it will take years before the landscaping makes it look like the building "belongs." One participant suggested that the ordinance allow for both options—standards that require new landscaping that fills in amongst existing trees.

## FENCES



### PARTICIPANT QUOTES

**“Landscape is needed to hide fences”**

**“Shrubs and trees should be placed in front of fencing to enhance curb appeal”**

**“Always use vegetation to soften hard surfaces”**

**“Ugly, naked fence is a poor choice of design”**

**“It needs grassy planted area with low plantings next to the street.”**

With this image, the primary concern of participants was the lack of landscaping in front the fence. The majority felt greenery and foliage could hide an ugly fence and cover up a poor choice of fence design, and that vegetation should always be used to soften hard surfaces.

## FENCES

### PREFERENCE TOTALS

Image "K"	81%
Image "S"	9%
No preference	0%



Image "K"



Image "S"

### PARTICIPANT QUOTES

**"Traditional, looks better"**

**"Appropriate style and scale"**

**"More 'private' feeling"**

**"Chain link fence is never appropriate in the front"**

**"Prison-like appearance"**

**"Too institutional looking"**

When comparing front yard fence opacity, participants overwhelmingly (81%) preferred a front yard picket fence to a chain-link fence, which was viewed as too institutional, unattractive, and with a "prison-like" appearance. The picket fence was viewed as more appropriate in style and scale, of higher quality, with a more "private" feeling. Participants who found the chain-link fence more appealing did not explain the reasoning behind the selection.

## EXTERIOR LIGHTING

### PREFERENCE TOTALS

Image "R"	30%
Image "C"	70%
No preference	0%



Image "R"



Image "C"

### PARTICIPANT QUOTES

**"Add more lighting in return for safer environment"**

**"Harsh!"**

**"This might be an area that needs to be seen from a highway"**

**"Ambient, softer lighting"**

**"Less glare and more inviting"**

**"Less impact on residential neighborhoods"**

With respect to exterior lighting, the majority of participants were concerned with glare and safety. While the majority did prefer a more ambient, softer lighting that would have less impact on residents and residential neighborhoods, many were also concerned that exterior lighting that was too dim would be unsafe for patrons and would not be visible from the highway. While the majority preferred image "C", many also felt that "maybe a little brighter [lighting] wouldn't hurt" the environment or residential surroundings.

## FRONTING OPEN SPACE



### PARTICIPANT QUOTES

**“Provides an attractive entry into the neighborhood”**

**“The landscaping is wonderful”**

**“I can visualize it being used as a common area for mingling and visiting”**

**“Although it’s very manicured, it’s really nice—a village green sort of look”**

**“It really divides the people on either side of the street”**

The majority of the participants liked the configuration of open space in this neighborhood setting, finding it appealing and useful for recreation. They felt it provided an attractive entry into the neighborhood, with wonderful landscaping and provided a “feeling of mutual setting” as well as a common area for mingling and visiting among neighbors. The variation in plantings and the street light were also seen as appealing. Some, however, expressed concern that the green space was artificial, too manicured, and not really useful at all. They also felt that, since it divided the road, it caused more impervious surfaces and separated the houses from the ones across the street. Some participants also expressed a desire for “strategically-placed” benches on the lawn.

## MATERIALS

### PREFERENCE TOTALS

Image "Y"	10%
Image "E"	90%
No preference	0%



Image "Y"



Image "E"

### PARTICIPANT QUOTES

**"Looks cheaply made"**

**"Too square"**

**"Vinyl siding is ugly, though economic considerations may prohibit the brickwork"**

**"Facing property should be like face"**

**"Higher standards of development—more curb appeal"**

Participants were also asked their opinion of three materials sets: a material change at the corner (Image "Y"), a 2-foot material return past the building's corner (not pictured), and no material change at the corner (Image "E"). The vast majority—90%—preferred the image that was all brick, with no material change at the corner. While they did find Image "E" to be more attractive and have better "curb appeal," many were also concerned with the economic costs associated with the brick work, and the higher standard of development.

## BUILDING FACADES

### PREFERENCE TOTALS

Image "G"	100%
Image "X"	0%
No preference	0%



Image "G"



Image "X"

### PARTICIPANT QUOTES

**"Has more visual interest"**

**"Charming, inviting, projects individuality"**

**"Variation of composition—has a much more pleasant appearance"**

**"Horizontal eye-line"**

**"It is not attractive"**

**"Box-like appearance"**

All participants—100%—preferred buildings that have facades with projections and recesses as opposed to buildings with flat facades and material changes alone. They felt the variation of composition provided relief with human scale, and more visual interest than did the flat roof, with a "horizontal eye-line." They found the detailing of the contoured façade to be more charming, pleasant, inviting, and projected individuality in a way that the "box-like appearance" of the flat façade does not.

## TRANSITIONS



### PARTICIPANT QUOTES

#### YES!

“Underground utilities”

“More appeal and better blending with residential uses”

“Respects the integrity of the residential development”

“Architectural softening of commercial building is appealing”

“Modern and more conducive to the neighborhood”

#### NO!

“Looks awful next to people’s homes”

“Looks boxy”

Participants overwhelmingly preferred the “YES” panel to the “NO” panel. Overall, they appreciated architectural design that softens the commercial buildings and respects the integrity of adjacent residential development with design and materials that are more congruent with residential uses. Underground utilities were also viewed favorably, as well as the lack of overhead street lights.

## TRANSITIONS

### PREFERENCE TOTALS

Image "AB"	36%
<b>Image "M"</b>	<b>45%</b>
No preference	18%



Image "AB"



Image "M"

### PARTICIPANT QUOTES

"A good multi-use transition—an attractive appearance without completely hiding the house"

"Good job of blending"

"Overwhelms existing homes"

"Respects the nature of the existing structures"

"Makes use of unused land"

"Better blending of uses"

"Cool looking residence"

Participants were split when given images with varying transitions. While a few participants were concerned that the nonresidential development in image "AB" was too high and overwhelmed the existing homes, 36% of participants felt that it was a good multi-use transition, enhanced the view, and blended in well with the surrounding environment. The 45% who found image "M" to be more appealing, felt that the development better respected the nature of the existing structures, made better use of unused land, and was better designed than the building in image "AB."

## INFILL DEVELOPMENT



(Note: The closer building in the foreground is “infill”, or the newer construction in an established neighborhood).

### PARTICIPANT QUOTES

“I like the matching styles and the attempt to fit into the existing neighborhood”

“Makes use of an area that might otherwise be a blighted area or deserted building”

“The infill sort of mimics the traditional structure, but doesn’t quite get there”

“Good use of land”

“Good use of blending, but the new building could better match the existing building”

When asked about infill development, most participants were concerned with how well the new development blends in with, and matches the surrounding development. While the participants appreciated the good use of land and the fact that the development makes use of an area that might otherwise be blighted or deserted, many felt the development looked too new and like a “cheap imitation” of the surrounding development. Others appreciated the uniformed height, the equal setback, the attempt to match the surrounding development and liked that the newer structure was more modern and more appealing.

## FOUNDATIONS

### PREFERENCE TOTALS

Image "W"	100%
Image "B"	0%
No preference	0%



Image "W"



Image "B"

### PARTICIPANT QUOTES

**"Works with existing terrain"**

**"Allows for more individuality"**

**"Looks sturdier and better built"**

**"Adds appearance of value and life expectancy to homes"**

**"Cheap looking and plain"**

**"Box-on-a-lot"**

**"Will the trees live?"**

All of the participants preferred the raised foundations in Image "W" to the slab foundations seen in Image "B." They found the raised foundations to have a more "grounded" feel, appeared sturdier and better built, provided "floor flexibility" and crawl space, and increased character interest through the foundation detail. They also felt the raised foundations added appearance of value and life expectancy to the homes. As with the grading, participants also appreciated that the development worked with the existing terrain and helped with drainage.

## BIG BOX DEVELOPMENT

### PREFERENCE TOTALS

Image "AC"	100%
Image "AD"	0%
No preference	0%



Image "AC"

**"Would blend better in a traditional neighborhood"**

**"It utilizes the green landscaping to soften the rear appearance"**

**"Traditional, balanced, good scale, and good landscaping"**



Image "AD"

**"Massive looking"**

**"Looks like the monolith room '2001: Space Odyssey' by comparison"**

**"Overpowering"**

All participants preferred the building designed to appear as a multi-use development to the standalone single-use "big-box" development. They felt the multi-use development fit better into the surrounding neighborhood, had a more traditional feel, and utilized green landscaping to soften the appearance and architectural lines. The stand alone big box development was "massive" in comparison, and though it was a nicely-designed building, there was too much "hardscape" overpowering the environment.

## SHOPPING CENTER “OUTPARCELS”



### PARTICIPANT QUOTES

**“Prettier than your average shopping center”**

**“The architecture is well placed”**

**“Architecturally pleasing”**

**“Shrubbery might be too large”**

**“Would the vegetation be safe—as far as break-ins?”**

The majority of participants found this image appealing. They thought the building had nice architecture, and was “prettier than your average shopping center.” There was some concern, however, about a lack of directional signage, as well as landscaping upkeep. Several people felt the shrubs might be too large and might facilitate break-ins.

## DUMPSTER SCREENING

PREFERENCE TOTALS	
Image "L"	36%
Image "Q"	36%
No preference	27%



Image "L"



Image "Q"

### PARTICIPANT QUOTES

**"Less eye-catching, and less obviously a dumpster screen"**

**"Dumpsters don't need roofs"**

**"Neater appearance"**

**"Blends more with surroundings"**

**"Better screened—no reason why dumpster screens should be ugly"**

Participants were split on what dumpster screening image they preferred (36% apiece), with 27% of participants having no preference between the two. Those that preferred image "L" liked that it was less eye-catching, had a neater appearance, and was less obviously a dumpster screen. Those who preferred image "Q", liked the landscaping around the dumpster better, and thought it blended in more with the surroundings.

## LANDSCAPING

### PREFERENCE TOTALS

Image "V"	100%
Image "F"	0%
No preference	0%



Image "V"



Image "F"

### PARTICIPANT QUOTES

**"Warm, more inviting"**

**"Emphasis on vegetation is good"**

**"Enhances the appearance of the building making it more user-friendly"**

**"Too bare, looks cheap"**

**"Plain and cold"**

**"Too much pavement and no parking strips"**

When asked to compare a commercial site with internal landscaping versus one with just streetscaping, participants overwhelmingly preferred the site with internal landscaping. They felt the landscaping enhanced the appearance of the building, created a more user-friendly building, and softened the lines of the building. The site without internal landscaping looked "too bare and cheap" with "too much pavement."

## APPENDIX B: CITY PLAN AND GOAL COMPLIANCE MATRIX

The following matrix details the range of policies from the Land Use Plan for the High Point Area, the Growth Vision Statement, and the Core City Plan that are relevant to the city's development regulations. The information in the right column provides additional detail about how a particular goal, objective, or policy might be addressed through a code update.

LAND USE PLAN FOR THE HIGH POINT PLANNING AREA	
DESCRIPTION	POTENTIAL CODE REVISION
OBJECTIVES	
1. Encourage the preservation of existing trees along the city's gateway corridors and within street rights-of-way and areas of forest cover	Establish new tree protection provisions that require a minimum level of existing tree retention or reforestation as well as an accelerated credit system for use of existing trees to meet landscaping requirements.
2. Protect and preserve environmentally sensitive locations including designated open space and watershed critical areas from inappropriate development	Establish new regulations for open space set-asides for all new development, including specifications for location, type, and use; provide for pervious parking surfaces in appropriate areas; explore the potential for wider stream buffers.
3. Provide opportunities for an adequate supply of affordable housing at appropriate locations convenient to employment, shopping and service areas	Allow a wider variety of residential use types (including multi-family uses) within residential districts, and ease the restrictions on residential development within nonresidential zoning districts. Allow accessory dwelling units in most residential districts. Establish new mixed-use zoning districts
4. Protect the city's older, established neighborhoods, and promote their revitalization through needed infrastructure improvements and new residential investment	Prepare transitional standards to protect residential neighborhoods from incompatible development; include new residential infill design standards to address building design, orientation, size, height, and compatibility; add a neighborhood conservation overlay district framework to further protect neighborhood character in qualifying areas.
5. Maintain an appropriate balance between the size, location and density of new development and the availability and demands upon the public services and facilities required to serve that development	Add appropriate criteria to the development review procedures to ensure infrastructure impact is being considered.
7. Evaluate the location and adequacy of existing and proposed parks and recreational facilities when considering new development	
8. Stimulate more efficient use of the city's land resources by encouraging infill, mixed-use, cluster development and higher residential densities at appropriate locations	Establish one or more mixed-use districts that incentivize higher-density development in appropriate locations; allow density bonuses for preferred development forms or in preferred locations; include a conservation subdivision provision that allows for reduced lot sizes and retention of extra open space; modernize planned development regulations to make development meeting city expectations easier to realize.
9. Where feasible and appropriate, provide a transition in land uses between more and less intensive land uses	Add transitional criteria to rezoning approval criteria; include land use transitions standards within planned development regulations; utilize transitional design standards to address compatibility issues in cases where rezonings are not required.
10. Target appropriate established neighborhoods and areas adjoining the central business district and industrial locations for conservation and revitalization activities including public and private investment	Broaden the range of allowable uses and ease dimensional requirements for preferred forms of development in target redevelopment areas; adopt a conservation overlay framework for use in areas needing protection.
11. Enhance the aesthetic appearance of High Point by preserving the scenic quality of its major gateway streets and travel corridors and by providing appropriate landscaped buffers and transitional uses between low and high-intensity land uses	Integrate design standards based on current best practices; revise and modernize the commercial districts to include basic design standards to address size of structures, architectural compatibility, landscaping, and street orientation; upgrade minimum development quality standards related to landscaping, exterior lighting, and site layout.

## PART 4: APPENDICES

### APPENDIX B: CITY PLAN AND GOAL COMPLIANCE MATRIX

GROWTH VISION STATEMENT	
DESCRIPTION	POTENTIAL CODE REVISION
GOAL 1: PRESERVE AND ENHANCE HIGH POINT'S MOST IMPORTANT NATURAL AND CULTURAL RESOURCES	
Objective 1A: Preserve and link open spaces where opportunities exist, and leverage them as community and economic assets	Institute new open space set-aside requirements for all development – allow pedestrian features to qualify in urban areas; include criteria for what areas should be set aside during the development process.
Objective 1B: Preserve and link environmentally sensitive lands such as floodplains, wetlands, and steep slopes	
Objective 1C: Protect the city's water supply through compatible use and design innovations, and minimizing disturbance of land	Maintain consistency with state watershed requirements, but augment stream buffer widths, preserve stands of existing trees, and allow innovative BMPs (e.g. rain gardens, level spreaders, etc.) to qualify as stormwater management devices.
Objective 1D: Preserve and revitalize key historic landmarks and unique areas in High Point	Review the current COA review process and standards for better consistency with best practices in preservation.
Objective 1E: Explore a variety of regulatory tools to preserve both commercial and residential historic areas meriting such protection	Review the current historic district provisions and certificate of appropriateness procedure to ensure maximum efficiency.
Objective 1F: Encourage private sector efforts toward natural and cultural resource conservation by creating incentives and securing funding sources	Supplement open-space set-aside and tree protection standards with locational criteria for "save" areas; credit open space and tree save areas towards other code requirements.
Objective 1G: Promote development and infrastructure that reflects and reinforces High Point's culture and history	Review the range of allowable uses to ensure creation of preferred development is as easy as possible.
GOAL 2: IMPROVE HIGH POINT'S OLDER URBAN NEIGHBORHOODS, WHILE ENSURING BETTER FUTURE NEIGHBORHOODS	
Objective 2B: Stabilize older neighborhoods by offering a range of new housing types, cost ranges, and both rental and purchase options, with an emphasis on affordable housing and neighborhood character	Broaden the range of allowable residential use types; ease dimensional requirements contributing to nonconforming status; allow accessory dwelling units; adopt infill and transitional standards to protect the character in established areas.
Objective 2D: Develop an extensive network of sidewalks throughout all neighborhoods, and provide greenways where opportunities exist	Establish sidewalk provision standards for new development/redevelopment that ensure connection to existing sidewalk systems; allow greenways to substitute for sidewalks (where appropriate) and credit greenways towards open space requirements.
Objective 2E: Provide retail, service and dining opportunities within a walkable distance to most residents	Develop mixed-use standards, design guidelines; revise and modernize the commercial districts to include some basic design standards to address size of structures, architectural compatibility, landscaping, limitations on first-floor residential uses, incidental residential development on upper stories, and street orientation appropriate for an urban, walkable context; include minimum pedestrian circulation standards for new development.
Objective 2F: Pursue measures to increase security and the perception of safety in neighborhoods where crime is an issue	Establish on-site exterior lighting provisions for new development/redevelopment and consider integrating CPTED provisions where appropriate.
Objective 2G: Plan new neighborhoods based on the principles of discernable boundaries, varied housing type options, both older and new housing, mixed-use neighborhood centers, convenient parks and recreation facilities, sufficient and well-maintained sidewalks and infrastructure, and respect for the neighborhood's architectural character	Ensure planned development and subdivision regulations require appropriate development forms.
Objective 2H: Redirect a portion of High Point's future residential growth to the core city to revitalize the area	Provide incentives for new residential development within the core city area; allow mixed-use development.
GOAL 3: CREATE MORE MIXED-USE AREAS, WHILE REINFORCING EXISTING ONES, TO MINIMIZE TRAFFIC, MAXIMIZE THE UTILIZATION OF INFRASTRUCTURE, AND SO PEOPLE CAN LIVE, WORK, AND PLAY IN ONE LOCATION	
Objective 3A: Revitalize and expand mixed-use areas through building rehabilitations and new infill development	Ensure district regulations support mixed-use infill.
Objective 3B: Establish new or redeveloped mixed-use areas at key intersections where suitable land use and development patterns exist	Establish new mixed-use districts, and pre-designate appropriate areas with mixed-use district classifications.
Objective 3C: Attract commercial tenants that will offer daily goods and services to nearby neighborhoods	Consider incentives for resident-serving businesses (e.g., parking reductions, increased sign area, etc.).
Objective 3D: Include high-density residential development as a component of existing and new mixed-use areas for the purposes of utilizing land efficiently, pairing people with convenient goods and services, supporting the commercial uses, and minimizing traffic	Establish minimum thresholds for provision of residential dwelling units as part of mixed-use development/redevelopment.

**GROWTH VISION STATEMENT**

DESCRIPTION	POTENTIAL CODE REVISION
Objective 3E: Apply development standards to ensure that mixed-use areas are human scaled, pedestrian friendly, and physically integrated through mixed-use buildings and buildings that front onto streets rather than large parking lots that separate buildings and their uses	Incorporate design standards for mixed-use development/redevelopment.
Objective 3F: Encourage mixed use centers as an alternative to “strip commercial” corridors that would use land inefficiently, generate unnecessary traffic, and create traffic congestion and safety challenges because of frequent driveways and their associated turning movements	Establish a new mixed-use base district for use throughout the city. Address limitations in the use schedule with respect to the range of allowable residential use types, the accommodation of residential uses within nonresidential districts, the inability to accommodate small-scale, neighborhood-serving retail and service uses in the residential districts, and the lack of mixed-use alternatives in the business districts. Expand the range of allowable residential uses that can be accommodated within traditional single-family neighborhood settings (e.g. mansion apartments, live/work units, and two-to-four-family dwellings). In the higher-density base residential districts allow for limited neighborhood-serving retail and service uses. Allow for residential uses within nonresidential districts on a “by-right” basis.
<b>GOAL 4:</b> MAKE DOWNTOWN HIGH POINT AND ITS ENVIRONS A VIBRANT, DIVERSE AND MIXED-USE ENVIRONMENT	
Objective 4B: As a supplement or alternative to the existing downtown core, develop north main between approximately the main library and Eastchester as “uptown” to function as a traditional downtown	Review the current main street district for consistency with balance of new ordinance.
Objective 4C: Make the High Point Market more competitive by enhancing pedestrian access, transit and other services to the showrooms	Adopt community form standards for new development/redevelopment.
Objective 4D: Establish more retail shops, services, restaurants, and entertainment through zoning and/or incentives	Ensure zoning districts allow desired uses; add incentives for preferred development (e.g., additional density or intensity, additional height, etc.).
Objective 4E: Create more rental and for-purchase housing, both as new development and within existing older buildings	Ensure adequate incentives for different forms of residential use type, including accessory units.
Objective 4F: Introduce new uses and creative industries, including artist studios and living space, small business incubators, and live/work units, and support them through zoning	Modernize the zoning districts and uses.
Objective 4G: Improve downtown High Point’s streetscapes by providing buildings with human-scaled facades and ground floor transparency, and streetscape furnishings that are attractive, functional, well-located and human-scaled	Add minimum design standards for development/redevelopment within the downtown.
Objective 4H: Create public spaces with a variety of scales, designs and functions, and couple them with uses that will help to activate them, such as civic uses, retail and housing	Supplement the code with open space standards that allow public gathering areas and pedestrian features to be credited towards open space standards in urban areas.
<b>GOAL 5:</b> BALANCE THE EFFICIENT MOVEMENT OF VEHICLES WITH THE NEEDS OF PEDESTRIANS, ALTERNATIVE TRANSIT MODES, AND AESTHETIC QUALITY	
Objective 5A: Transform major thoroughfares from barriers into attractive and user-friendly corridors that pull areas together through boulevard treatments such as landscaped medians and crosswalks	Ensure the subdivision regulations address pedestrian connection; establish community form standards to address pedestrian circulation
Objective 5B: Focus particular attention on the appearance of key gateways into High Point to convey to visitors a positive first and last impression of the community	Broaden the scenic corridor overlay to areas beyond Eastchester Drive.
Objective 5D: Develop new streets and retrofit existing streets in accordance with design standards intended to balance efficient vehicular flow with other planning objectives, such as creating pedestrian-friendly environments	Include community form standards that address traffic calming, alleys, sidewalks, and street width.
Objective 5eE: Require that street systems connect with one another whenever possible to move all modes of traffic efficiently, to avoid congestion along key corridors, to improve traffic and pedestrian safety, and to enhance emergency management access	Incorporate new street connectivity index provisions and street stub standards.
Objective 5G: As an alternative means of transportation, expand the greenway system and add bike lanes to key roads linking activity centers and important destinations	Add community form standards that allow greenways to be credited towards sidewalk requirements.

## PART 4: APPENDICES

### APPENDIX B: CITY PLAN AND GOAL COMPLIANCE MATRIX

GROWTH VISION STATEMENT	
DESCRIPTION	POTENTIAL CODE REVISION
Objective 5H: Limit extremely large-scaled stores—"big box retail"—to key street intersections to best accommodate their potentially high traffic volumes	Establish new design standards for large format retail buildings.
GOAL 6: KEEP HIGH POINT'S ECONOMY STRONG AND MAKE IT MORE DIVERSIFIED	
Objective 6B: Given the direct economic benefits derived from the High Point Market, as well as the invaluable international recognition it brings to the community, continue efforts to sustain, promote and support the High Point Market	Establish a new market district.
Objective 6F: Prioritize measures to enhance High Point's overall quality of life to retain and expand existing industries and to attract new ones	Add new sustainability and quality of life provisions like environmental protection and design standards.

CORE CITY PLAN	
DESCRIPTION	POTENTIAL CODE REVISION
DISTRICTS & CORRIDORS	
Showroom district - should protect the economic vitality of the furniture showrooms	Establish a new market district that allows for new showroom uses and establishes new district-specific standards intended to address pedestrian-orientation and compatibility...
Downtown mixed-use district - should function more like a conventional downtown, with a mixture of uses, and avoid becoming a single-use area lacking around-the-clock vitality, but permit existing showrooms to continue	Limit new showroom uses, and ensure allowable uses are consistent with typical downtowns; consider minimum use-mixing requirements for structures over 30,000 square feet; implement new design standards to address pedestrian orientation and human-scale façade treatments.
Medical district - should accommodate the existence and future growth of the hospital-anchored medical district with a campus-like inward orientation, less focus on streets, more focus on formal open spaces, and edges that project an attractive face to the rest of the community	Establish a single Institutional district that requires initial preparation and adoption of a master plan for the development within the district – then allow new development to be reviewed and approved administratively if it is consistent with the master plan. Promote campus-style development in low-to-mid-rise buildings with emphasis on sufficient transitional and border treatments along district edges to maintain compatibility with, or effectively buffer, adjacent development.
High Point University district - should accommodate the existence and future growth of the university with a campus-like inward orientation, less focus on streets, more focus on formal open spaces, and edges that project an attractive face to the rest of the community	
Guilford Technical Community College district - should accommodate the existence and future growth of GTCC with a campus-like inward orientation, less focus on streets, more focus on formal open spaces, and edges that project an attractive face to the rest of the community	
Mixed-use centers (general) - should create diverse, mixed-use areas where people can work, shop and play, and for high-density housing so residents can easily access goods and services.	Ensure new development takes place in accordance with the appropriate sub-area plans listed in the Core City Plan.
North Main/uptown mixed-use corridor - should reinforce the core city's existing commercial spine along main street, with additional compatible uses (including offices, high-density housing, and institutional uses)	Encourage more mixed-uses and residential development, new design standards to address pedestrian orientation, and promote development forms that will create "activity nodes" along the corridor
South Main mixed-use corridor - should reinforce the core city's existing commercial spine along main street, with additional compatible uses (including offices, high-density housing, and institutional uses)	
Industrial district - should protect the existence and future growth of industries, as industrial parks Two districts: rail-oriented district and non-rail-oriented	Enhance overall appearance and image using design guidelines to limit use of chain link, screen surface parking and service activities, promote use of high-quality materials, emphasis on entry features, and relocate overhead utilities where practical.

CORE CITY PLAN	
DESCRIPTION	POTENTIAL CODE REVISION
Residential districts - should protect and enhance the qualities of neighborhoods by allowing for a range of housing types (single-family, multifamily, townhouses) at high to moderate densities (with higher density housing located near mixed-use centers, downtown, parks, and key street corridors), small-scale neighborhood commercial uses at key intersections (with parking located behind buildings), parks and institutional uses, and compatibility provided through design standards	Revise the current residential districts to allow a broader array of use types (including accessory dwellings), ease dimensional requirements in favor of contextual standards, allow small-scale resident-serving commercial in strategic locations, adopt new minimum design standards to promote compatibility and limit garage dominance, include new community form standards to help establish sidewalks, street trees, and encourage greater pedestrian orientation. Utilize new transitional and infill design standards to help ensure new development remains compatible with existing development. Establish a framework for neighborhood conservation overlay districts in areas where established character may be in jeopardy.
PUBLIC POLICY RECOMMENDATIONS	
RESIDENTIAL DEVELOPMENT	
Revise district setback, lot size, frontage, and lot width requirements to reflect prevailing traditional patterns of older neighborhoods, deviating from the existing pattern only if the effect of creating nonconformities is outweighed by the advantages of changing the pattern	Utilize contextual dimensional standards where appropriate.
Reformulate setback requirements as “build-to lines” or set a limited maximum-minimum range to avoid gaps in the traditional pattern as properties are developed or redeveloped	Use average front setbacks to maintain consistent street edges.
Apply overlay zoning with differing dimensional standards to neighborhoods in same zoning district but with very different dimensional patterns	Allow overlay zoning districts (such as the neighborhood conservation overlay) to over-ride base zoning district dimensional requirements.
Adjust dimensional standards for historic districts to reflect the as-built pattern and to ensure existing structure are not unnecessarily made nonconforming—either by changing the standards of a coincidental base district or applying revised dimensional standards as part of the historic overlay district regulations	Utilize contextual dimensional standards where appropriate.
Apply building design guidelines to neighborhoods to ensure that new development and changes to existing development continues the traditional streetscape pattern and character	Add residential design and community form standards in residential neighborhoods.
COMMERCIAL DEVELOPMENT	
Revise CB district to reflect establishment of two distinct downtown districts (showroom district and downtown mixed-use district)	Establish new districts and standards.
Apply design and form standards to the downtown districts, the main street corridors, and the proposed mixed-use centers, to ensure a quality streetscape and pedestrian orientation (e.g., require transparent ground floor windows, limit ground floor uses to range of active uses, prohibit blank walls facing sidewalk) [could use overlay district to do so]	Apply new commercial and mixed-use design standards, and community form standards.
Formulate a set of landscaping and parking standards for the downtown districts (instead of the current exemptions) that are tailored to a dense, business-oriented urban downtown context [apply as an overlay to densest downtown areas]	Revise the parking, landscaping, and buffering standards to address intense urban conditions
Move the north main corridor from the GB district into a new district	Refine the Main Street district to ensure it accommodates traditional downtown uses like street-level commercial development, residential, and office uses. Place a greater emphasis on human-scale design and pedestrian orientation.
Revise the GB district to allow high-density housing and institutional uses and evaluate appropriateness of permitted nonresidential uses	Revise most nonresidential districts to allow residential uses and other forms of use mixing by right.
Remove heavy commercial uses (e.g., those involving vehicular storage, sales, or repair) from GB district [and from along arterial streets serving as entries to the downtown (e.g., South Main Street)]	

## PART 4: APPENDICES

### APPENDIX B: CITY PLAN AND GOAL COMPLIANCE MATRIX

CORE CITY PLAN	
DESCRIPTION	POTENTIAL CODE REVISION
Consider adopting a special hospital district to accommodate medical uses, other hospital-related uses, retail, and general offices as an alternative to GO-H and GO-M zoning, with design and form standards to ensure a quality streetscape and pedestrian orientation (e.g., prohibit parking between buildings and street, generally have buildings front on streets (but allow for variations necessary to accommodate building access))	Add a new institutional zoning district that requires a master plan be prepared and reviewed as an amendment to the zoning map – all subsequent development can be reviewed administratively, provided it is consistent with the approved master plan
Revise LB district to better carry out its intent of serving nearby residential areas with moderate intensity shopping and services; add commercial development standards to limit negative impacts on surrounding residences [LB district could form the starting point for mixed-use center zoning districts]	Revise the LB district to emphasize resident-serving businesses subject to design standards.
ZONING DISTRICTS	
Revise areas zoned RM-8 and RM-12 to reflect their dominant single-family uses, with multi-family uses allowed as nonconforming uses or as special uses with design and performance standards ensuring no negative impact on single-family homes; revise dimensional standards (setbacks, minimum lot size) to accommodate the small lot size and relatively higher density of single-family homes in these areas (> 5 DU/AC)	Re-map to appropriate zone to match predominant use.
Revise HI and LI districts to provide for rail-oriented uses in areas along rail corridor	Adjust the district standards to include design provisions
Create development standards to address visual quality impacts of LI district development on neighborhoods	
Add design standards to industrial districts for building materials, entries, and landscaping; regulate parking and loading/utility areas to improve their appearance from through roads and adjacent residential districts	
Revise TN district regulations so they are easier to apply: summarize descriptions in a table; reduce procedural and substantive standards into a matrix; reduce procedural hurdles in comparison to conventional suburban-style development by right	Revise all the planned development district provisions for increased simplicity and include opportunities for alternative minimum compliance
PERMITTED USES	
Review allowable uses in each district with goal of expanding the range of uses	Modernize the use provisions to include modern uses, remove obsolete uses, and broaden the range of allowable uses where appropriate (e. g. Residential uses in commercial and office districts)
Eliminate provisions allowing only one use type or principal use per building or development site	Include new accessory use provisions to allow additional uses
Add live-work units to uses list and allow by right or as special use in appropriate districts, in a variety of forms and settings (within single-family homes, in commercial downtown buildings, or in loft or warehouse space in industrial areas), depending on the zoning district; use in areas that do not support traditional family housing as a transition between commercial/industrial areas and residential neighborhoods	Add a live/work use and allow in higher-density residential districts.
Consider allowing accessory dwelling units by right in additional districts, particularly some single-family districts in the core city (e.g., RS-15, RS-12, RS-9, and RS-7) to densify areas with underutilized infrastructure and public facilities, reduce sprawl, promote housing affordability, and promote reinvestment in existing neighborhoods; adopt development standards to ensure accessory units are compatible with owner-occupied housing; consider allowing them only when either the principal unit or the accessory unit is owner-occupied and standards exist to ensure accessory units are compatible with the primary unit	Allow accessory dwelling units in most residential districts as an accessory use.
Remove off-site parking lots as a permitted principal use in residential districts in areas near GTCC, the medical center, or university campus	Revise the parking provisions to prevent off-site parking within 1,000 feet of the institutional district

CORE CITY PLAN	
DESCRIPTION	POTENTIAL CODE REVISION
Create a neighborhood conservation overlay zoning district to preserve neighborhood character and older housing stock (less restrictive than historic districts)	Establish a framework for new conservation overlay districts to be established following preparation of a detailed area plan
Adopt additional scenic corridor overlay districts (e.g., as planned along West Wendover Avenue and Business I-85)	Revise the Eastchester Drive overlay for application in other parts of the city



## APPENDIX C: SECTION-BY-SECTION ANALYSIS OF CURRENT CODE

This appendix includes a summary matrix of the current development ordinance. The first column sets out section name and number. The second column includes a brief description of the section, and the third column lists the possible disposition were the city to update the current development ordinance in a manner consistent with Part II, *Diagnosis*, and Part III, *Annotated Outline*.

SECTION-BY-SECTION ANALYSIS OF CURRENT DEVELOPMENT ORDINANCE		
SECTION NUMBER AND NAME	DESCRIPTION	POTENTIAL DISPOSITION IN UPDATED UNIFIED DEVELOPMENT ORDINANCE (ORDINANCE)
CHAPTER 1: PURPOSE AND AUTHORITY		
<b>9-1-1 Short Title</b>	Ordinance title	Carry forward in Article 9-1, General Provisions, of the new ordinance with revisions to reflect new title.
<b>9-1-2 Repeals and Enactment</b>	Repeals existing inconsistent ordinances and establishes the effective date	Carry forward in Article 9-1, General Provisions, of the new ordinance with revisions to reflect new effective date
<b>9-1-3 Purpose</b>	Sets out the basic purposes of the regulations, and includes several different sets of purpose statements, including: zoning and subdivision purposes derived from the NC General Statutes, purposes for variety of development regulations (e.g., cluster setbacks, parking, landscaping, signage, watershed protection, flood damage prevention, sidewalk, and tree conservation), and purposes for six different overlay districts	The general purposes for the zoning and subdivision regulations will be updated and carried forward in new Article 9-1, General Provisions. Additional purpose statements from the city's adopted planning documents (like the Core City Plan) will be integrated. Purpose statements for individual development standards or districts will be relocated to the appropriate sub-section in Article 9-3, Zoning Districts, Article 9-5, Development Standards, or Article 9-6, Environmental Standards. For example, purpose statements for flood damage protection will be included with the flood damage protection standards.
<b>9-1-4 Jurisdiction</b>	Sets out where the ordinance applies	Carry forward in Article 9-1, General Provisions, of the new ordinance, clarify application to the ETJ, and combine with authority provisions.
<b>9-1-5 Authority</b>	Sets out references to the state enabling authority to regulate development	Carry forward in Article 9-1, General Provisions, of the new ordinance, combine with jurisdiction provisions, and include references to the city charter and any special legislation.
<b>9-1-6 Abrogation</b>	Explains the ordinance is not intended to repeal impair or interfere with any existing covenants, deed restrictions, or agreements	This section will be modified into a new transition section in Article 9-1, General Provisions, to describe how various pre-existing development approvals and applications for development approval will be addressed by the new ordinance. The subsection will also include a summary table clarify how existing zoning districts will be translated into new zoning districts (as appropriate). Existing language related to existing private agreements will be relocated into a new section on relationship to other plans, documents, and rules.
<b>9-1-7 Interpretation of Ordinance</b>	This section addresses conflict with state or federal laws, and sets out rules of interpretation related to number rounding and density calculations	The provisions related to minimum standards and conflict will be relocated into a new section on conflicting provisions in Article 9-1, General Provisions. Language related to rules of measurement will be relocated to a section on rules of measurement in Article 9-10, Definitions.
<b>9-1-8 Rules of Interpretation and Construction</b>	Sets out rules of word interpretation and construction	Carry forward in Article 9-10, Definitions, and supplement as needed.

## SECTION-BY-SECTION ANALYSIS OF CURRENT DEVELOPMENT ORDINANCE

SECTION NUMBER AND NAME	DESCRIPTION	POTENTIAL DISPOSITION IN UPDATED UNIFIED DEVELOPMENT ORDINANCE (ORDINANCE)
<b>9-1-9 Compliance</b>	Requires that development comply with the ordinance	Relocate to section on jurisdiction and applicability in Article 9-1, General Provisions.
<b>9-1-10 Relation to the Comprehensive Plan</b>	Requires the administration, enforcement of the ordinance be accomplished with consideration of recommendations presented in the documents comprising the comprehensive plan	Relocate to new section on relationship to other plans, documents, and rules in Article 9-1, General Provisions.
<b>9-1-11 Establishment of Official Zoning Map</b>	Incorporates the official zoning map by reference and clarifies the official copy	Carry forward in Article 9-1, General Provisions, of new ordinance, and incorporate with any other maps that may be associated with the zoning regulations, such as watershed maps, FIRM maps, or Airport Zoning Map.
<b>9-1-12 Interpretation of District Boundaries</b>	Enumerates rules for boundary interpretation where uncertainty exists as to the boundaries of any district shown on the official zoning map	Carry forward in Article 9-1, General Provisions, of new ordinance, but authorize the Planning Director to interpret the official zoning map in accordance with the Interpretation procedure established in Article 9-2, Administration.
<b>9-1-13 Severability</b>	If any part of the ordinance is held invalid or unconstitutional, such a decision shall not affect the validity of the remaining parts	Carry forward in Article 9-1, General Provisions, of new ordinance.
<b>9-1-14 Appendices</b>	States that the appendices are supplemental materials that are separate from the ordinance and may therefore be added to, modified, or removed as appropriate	Most of the material would be relocated to an administrative manual, and illustrations would be embedded in the document text.
CHAPTER 2: DEFINITIONS		
<b>9-2-1 Definition Index</b>	Indexes the definitions used in the ordinance	Replace with index for entire document.
<b>9-2-2 Definitions</b>	Defines terms used in the ordinance	Remove functional groups in favor of alphabetical listing of all terms. Relocate definitions dealing with lots, setbacks, rules of measurement to the section on rules of measurement in Article 9-10. Remove standards from definitions (e.g., manufactured home), and ensure all uses, procedures, bodies, referenced documents, and terms are defined.
CHAPTER 3: PERMITS AND PROCEDURES		
<b>9-3-1 Permit Required</b>	Establishes that no person shall undertake any development activity subject to the ordinance without first obtaining a permit	Relocate to section on applicability and jurisdiction in Article 9-1, General Provisions.
<b>9-3-2 Permit Exemptions</b>	Specifies certain exempted activities where permits are not required	Remove this section in favor of listing individual permit exceptions with the permit procedures in Article 9-2, Administration.
<b>9-3-3 Permits</b>	Outlines general application requirements as well as the purpose and procedure for Land-Disturbing Permits, Building or Sign Permits, Land Use Permits, Flood Plain Development Permits, Temporary Event Permits, and Permits to Conduct Activities within Water Quality Conservation Easements	Relocate the general application requirements to the common review procedures in Article 9-2, Administration. Supplement these provisions with additional information on application completeness and fees. The building permit and sign permit will be carried forward. The land disturbing permit will be consolidated with the flood plain development permit and the permit associated with activity in a water quality conservation easement. The land use permit will be renamed to a zoning compliance permit, and the temporary event permit will be renamed to the temporary use permit (and broadened to address buildings and uses).

## SECTION-BY-SECTION ANALYSIS OF CURRENT DEVELOPMENT ORDINANCE

SECTION NUMBER AND NAME	DESCRIPTION	POTENTIAL DISPOSITION IN UPDATED UNIFIED DEVELOPMENT ORDINANCE (ORDINANCE)
<b>9-3-4 Permit Issuance</b>	Establishes an order of issuance for many permits (e.g., Land-Disturbing Permit are issued prior to other permits)	This material would be relocated to the appropriate permit procedure, or district provisions in the case of airport-related applications.
<b>9-3-5 Permit Expiration</b>	Provides a timeline for Sign and Land Disturbing Permit expiration	
<b>9-3-6 Certificates And Reports</b>	Outlines requirements for certificates of compliance, temporary certificates of compliance, erosion control site inspection reports, certificates of floor elevation/floodproofing, certificates of vested rights, and certificates of appropriateness	Certificates of compliance (including temporary), vested rights certificates, and certificates of appropriateness will be carried forward in the section on individual permit procedures in Article 9-2, Administration. Erosion control site inspections will be relocated to Article 9-9, Enforcement, and the floor elevation/floodproofing certificate requirement will be relocated to the floodplain district provisions.
<b>9-3-7 Permit/ Certificate Compliance And Phasing</b>	Allow projects to be developed in phases as long as compliance is achieved in each phase	This material will be addressed in the individual permit provisions in Article 9-2, Administration.
<b>9-3-8 Dedication Or Reservation Of Right-Of-Way</b>	Defines right-of-way transfer procedures	This section will be relocated to Article 9-7, Subdivisions.
<b>9-3-9 Sureties Or Improvements Guarantees</b>	Requires sureties or improvement guarantees for public infrastructure in various forms from developers	This section will be relocated to Article 9-7, Subdivisions, and limit the forms of acceptable letters of credit to letters of credit that do not have to be renewed on a continuing basis.
<b>9-3-10 Oversized Improvements</b>	Allows the city to require installation of oversized utilities or extension of utilities on adjacent property when it is in the interest of future development.	This section will be relocated to Article 9-7, Subdivisions.
<b>9-3-11 Site Plan Procedures</b>	Sets out submission and approval requirements and procedures for site plans	Carry forward the site plan process with several changes, including: relocation of submittal requirements to the administrative manual; adjustment of review timing with any revised city procedures related to stormwater, erosion control, access, etc.; make the distinction between major and minor site plan reviews more evident, and ensure the thresholds are consistent with current city policy; include criteria for review, procedure for amendment, and cross references to the vested rights certificate process.
<b>9-3-12 Zoning Map Amendments</b>	Sets out the procedure for how zoning boundaries may be amended, supplemented, changed, modified, or repealed	Carry forward the map amendment process with several changes, including: clarification that text amendment applications follow a similar process; clarification that applications requiring land use plan amendments shall only be approved following amendment of the land use plan; relocation of application submittal, completeness, conversion, withdrawal, notice, hearing process, and continuance to the common review procedures in Article 9-2, Administration. Carry forward the pre-application requirements, and broaden the neighborhood informational meeting requirements to apply to any rezoning request seeking a more intense district. Add approval criteria, provisions for amendment, and a procedure for reversion to prior district upon expiration (if such expiration is applicable).

## SECTION-BY-SECTION ANALYSIS OF CURRENT DEVELOPMENT ORDINANCE

SECTION NUMBER AND NAME	DESCRIPTION	POTENTIAL DISPOSITION IN UPDATED UNIFIED DEVELOPMENT ORDINANCE (ORDINANCE)
<b>9-3-13 Conditional Use Districts And Conditional Use Permits</b>	Sets out general requirements and procedures for conditional use districts and conditional use permits	Convert the current two-step conditional use district/conditional use permit process to the one-step conditional rezoning process. Consolidate the conditional use rezoning process with the map amendment process (except for the material specific to conditional rezonings, which will be included within its own sub-sections).
<b>9-3-14 Special Use Permits</b>	Sets out procedure for special use permits	Carry forward with only minor adjustment for consistency with new ordinance format.
<b>9-3-15 Text Amendments</b>	Sets out the procedure for how the text of the ordinance may be amended	Consolidate with the map amendment process.
<b>9-3-16 Establishment Of Original Zoning</b>	Sets out procedure for the establishment of original zoning	Relocate with provisions related to official zoning map and annexation in Article 9-1, General Provisions.
<b>9-3-17 Zoning Changes In Historic Districts</b>	Outlines process for requests for changes in zoning classification, conditional use permits or special use permits for property within a historic district	Relocate to appropriate procedure information in Article 9-2, Administration.
<b>9-3-18 Vested Rights</b>	Outlines the procedures for establishing vested rights	Relocate to new vested rights certificate procedure in Article 9-2, Administration.
<b>9-3-19 Land Use Plan Amendments</b>	Sets out the procedure for how amendments to the adopted land use plan shall be processed and considered in accordance with the ordinance	Relocate to map amendment procedure in Article 9-2, Administration.
<b>9-3-20 Street Name Change Requests</b>	Outlines general requirements and procedure for street name change requests	Relocate to specific procedures section in Article 9-2, Administration.
<b>9-3-21 Fees</b>	Deals with permit-fee related provisions	Relocate to the administrative manual.
CHAPTER 4: ZONING		
<b>9-4-1 Districts Established</b>	Establishes that all property within the jurisdiction is within a zoning district	Relocate with provisions related to official zoning map and annexation in Article 9-1, General Provisions.
<b>9-4-2 District Descriptions</b>	Establishes and sets out the purpose statements for the general, conditional use, floating, and overlay districts	This material will be carried forward in new Article 9-3, Zoning Districts. Each base zoning district will have its own subsection with its purpose statements, dimensional standards, an example of preferred building form, typical lot layout pattern, a three-dimensional depiction of dimensional standards and preferred building forms, and any district-specific standards (e.g., the standards for some nonresidential districts in Section 9-4-5(c) of the current ordinance). District renaming and consolidation will be consistent with the annotated outline. Conditional and overlay districts will be relocated to their own sections in Article 9-3, Zoning Districts.
<b>9-4-3 Floating Districts</b>	Sets out requirements for the Planned Unit Development districts	The floating districts will be converted to planned development districts, and placed within their own section in Article 9-3, Zoning Districts. The section will include general standards for all planned development districts, plus district-specific requirements for each of the four proposed planned development districts. The TN district will be carried forward in a simplified form.
<b>9-4-4 Overlay District Requirements</b>	Establishes procedures and requirements for the Historic, Scenic Corridor, the Airport, the Manufactured Housing, and the Watershed Overlay Districts.	This material will be relocated to a new section on overlay districts in Article 9-3, Zoning Districts, with only minor revisions. New conservation overlay and institutional overlay districts will be added.

## SECTION-BY-SECTION ANALYSIS OF CURRENT DEVELOPMENT ORDINANCE

SECTION NUMBER AND NAME	DESCRIPTION	POTENTIAL DISPOSITION IN UPDATED UNIFIED DEVELOPMENT ORDINANCE (ORDINANCE)
<b>9-4-5 District Use Requirements</b>	Sets out permitted uses summary schedule, provides the rules for interpreting the schedule, and includes the district-specific standards for the nonresidential districts	The summary use table and provisions for interpreting it will be relocated to Article 9-4, Use Standards. Use of the standard industrial classification (SIC) code system for use classification will be abandoned in favor of a 3-tier use classification system. The material will be supplemented with a detailed explanation of all use categories and use types to aid in future classifications or interpretation of the ordinance. District-specific standards will be relocated to the individual district material in Article 9-3, Zoning Districts.
<b>9-4-11 District Dimensional Requirements</b>	Outlines a wide variety of dimensional, measurement, cluster, zero lot line, and watershed standards by residential or nonresidential district	All of this material will be relocated to various new locations. Basic district dimensional standards for residential and nonresidential districts will be relocated to the various district provisions in Article 9-3, Zoning Districts. The cluster development material will be modified and included within new conservation subdivision provisions, adjusted to be an allowed use (instead of a special use), but limited to the least dense residential districts, and relocated to the conservation subdivision standards in Article 9-7, Subdivisions. Zero side setback will be removed as a by-right option but can still be addressed via the administrative adjustment process. Multi-family dimensional standards will be incorporated into the district dimensional standards. The use-specific multi-family standards in Section 9-4-11(b)(4) will be relocated to the multi-family use standards in Article 9-4, Use Standards. Lot reductions for lots adjacent to watershed (stream buffers) areas will be incorporated into the watershed overlay district provisions.
<b>9-4-12 Supplementary Dimensional Requirements</b>	Outlines additional dimensional standards, including prevailing street setbacks and encroachments	Most of this material is proposed for relocation to the Rules of Measurement in Article 9-10, Definitions.
<b>9-4-13 Accessory Use, Building And Structure Requirements</b>	Includes the requirements for accessory uses, buildings and structures.	This material will be relocated to the section on Accessory Uses in Article 9-4, Use Standards.
<b>9-4-14 Fences</b>	Sets out requirements for all fences	This material will be relocated to the section on fences and walls in Article 9-5, Development Standards. Additional provisions will be added regarding maximum fence heights by district and lot location, as well as minimum appearance standards when the fence or wall is proximate to a public street.
<b>9-4-16 Zone Lot Requirements</b>	Outlines principal buildings per zone lot and street access requirements as well as requirements for integrated multiple use developments.	Provisions related to group development are not proposed for inclusion in the new ordinance. The balance of the material on street access provisions and multiple-use developments will be relocated to Articles 9-5, Development Standards, and 9-7, Subdivisions, as appropriate. Section 160a-383 of the NCGS authorizes local governments to require roadway dedication and infrastructure improvements without need of the group development process.

## SECTION-BY-SECTION ANALYSIS OF CURRENT DEVELOPMENT ORDINANCE

SECTION NUMBER AND NAME	DESCRIPTION	POTENTIAL DISPOSITION IN UPDATED UNIFIED DEVELOPMENT ORDINANCE (ORDINANCE)
<b>9-4-17 Nonconforming Situations</b>	Establishes the procedures and practices for nonconforming lots of record, nonconforming uses of land, nonconforming structures, signs, and nonconforming situations resulting from government action.	This material will be reviewed for consistency with state law and best practice and relocated to Article 9-8, Nonconformities. An additional set of provisions on nonconforming site features and the rules for reaching compliance will be included along with the standards for nonconforming signs.
<b>9-4-18 Lot Size Reduction Prohibitions</b>	Prohibits lot reductions for both single lots and zone lots with an exemption for municipal, state, or federal acquisition of land.	This material will be relocated to the provisions related to nonconforming lots in Article 9-7, Nonconformities.
<b>9-4-19 Special-Purpose Lots</b>	Outlines street frontage, minimum lot area, and minimum lot dimension for family or church cemeteries, sewage lift stations, and similar utility uses.	This material will be relocated to the use-specific standards for these uses in Article 9-4, Use Standards.
CHAPTER 5: ZONING, OTHER STANDARD		
<b>9-5-1 Development Standards For All Uses</b>	Sets out standards for outdoor lighting, screening, and sidewalks	The outdoor lighting will be substantially augmented with new standards for height, glare, color, direction, intensity, etc. The screening standards will be relocated into the landscaping or fencing and walls standards (as appropriate) in Article 9-5, Development Standards. Sidewalk standards will be relocated to the community form standards in Article 9-5, Development Standards, and supplemented with new requirements for pedestrian connectivity, pedestrian circulation on multi-family and nonresidential sites, a new fee-in-lieu procedure, and additional standards about where sidewalks are required.
<b>9-5-2 Development Standards For Individual Uses</b>	Sets out general rules and development standards for individual uses	Use-specific standards for individual principal uses will be carried forward in the Use-Specific Standards in Article 9-5, Use Standards. Accessory use provisions (e.g., accessory dwelling units, disabled motor vehicles, home occupations, livestock, news stands, satellite dishes, portable storage containers, etc.) and temporary uses (e.g., tree sales, yard sales, etc.) will be relocated to the appropriate sections on accessory or temporary uses in the same chapter.
<b>9-5-6 General Provisions</b>	Includes the off-street parking, loading, and stacking standards	Review the current standards for consistency with modern trends and best practices. Revise parking counts, and ensure all listed uses have corresponding parking standard. Add caps for some strategic uses or locations. Increase opportunities for parking flexibility in certain locations through alternative parking plans. Review and revise parking standards for commercial/recreational vehicles in residential districts.
<b>9-5-11 Landscaping Requirements</b>	Sets out the landscaping standards for the city	Carry forward the standards in the Landscaping section of Article 9-5, Development Standards, and revise to include new performance-based buffering standards, new standards for perimeter screening and interior landscaping in parking lots. Include new standards for on-site landscaping and provisions for streetscapes or street trees (depending upon urban or suburban context). Carry forward and modify the standards for alternative landscaping plans, site inspection, and monitoring.

## SECTION-BY-SECTION ANALYSIS OF CURRENT DEVELOPMENT ORDINANCE

SECTION NUMBER AND NAME	DESCRIPTION	POTENTIAL DISPOSITION IN UPDATED UNIFIED DEVELOPMENT ORDINANCE (ORDINANCE)
<b>9-5-16 General Regulations</b>	Establishes the signage standards	This section will be carried forward with no substantive changes in the Signage section of Article 9-5, Development Standards. The material related to nonconforming signs will be relocated to Article 9-8, Nonconformities.
<b>CHAPTER 6 SUBDIVISIONS: PROCEDURES AND STANDARDS</b>		
<b>9-6-1 Exclusion Determination</b>	Requires property owners to submit maps, deed, etc., in sufficient detail to permit a conclusive determination by the enforcement officer if a proposed division of land meets one or more of the exclusions of a "subdivision"	Relocate to the Subdivision procedure in Article 9-2, Administration, except the sections on dedication and acceptance will be relocated to the subdivision material in Article 9-7, Subdivisions.
<b>9-6-2 Coordination With Other Procedures</b>	Establishes that an applicant may start the subdivision approval process simultaneously with applications for land-disturbing permits or other applications for approvals required for a particular project	
<b>9-6-3 Approval Required</b>	Establishes that all subdivisions including condominiums within the city must comply with this chapter	
<b>9-6-4 Pre-Application Conference</b>	Strongly encourages every subdivisions applicant to schedule a pre-application conference with planning and development staff prior to the submission of a preliminary plat	Relocate to the Subdivision procedure in Article 9-2, Administration.
<b>9-6-5 Submission Of Plans</b>	Outlines submission and steering procedure	
<b>9-6-6 Sketch Plan</b>	Outlines when a sketch plan is needed	
<b>9-6-7 Preliminary Plat</b>	Outlines requirements and approval procedure for preliminary plats	
<b>9-6-8 Street And Utility Construction</b>	Requires street and utility construction plans for all street, water, sanitary sewer, and storm sewer facilities; sets out approval procedure	Relocate to the Subdivision procedure in Article 9-2, Administration.
<b>9-6-9 Permanent Runoff Control Structures And Soil Erosion And Sedimentation Control Devices</b>	Sets out procedure and responsibilities for permanent runoff control structures and soil erosion and sedimentation control devices	Relocate this material to a new section on stormwater management in Article 9-6, Environmental Standards.
<b>9-6-10 Owners Associations</b>	Sets out procedures for the establishment of homeowners associations, the submission of owners association declarations, the inspection and approval of improvements, and the conversion of nonconforming developments	
<b>9-6-11 Final Plat</b>	Requires a final plat for all subdivisions except for group developments not entailing easement dedication, right-of-way dedication, or permanent runoff control structure	Relocate to the Subdivision procedure in Article 9-2, Administration.
<b>9-6-12 Recordation of Final Plats</b>	Requires that a final plat must be recorded in the office of the register of deeds within sixty (60) days.	
<b>9-6-16 Subdivision Standards</b>	Details general standards as well as standards for lot dimensions and standards, streets, block length, sidewalks, utilities, drainage, flood damage prevention, sites for public uses, and placement of monuments	Relocate this material to the Subdivision Design Standards section in Article 9-7, Subdivisions. Some standards may be adjusted for consistency with new community form related to pedestrian and vehicular mobility.
<b>CHAPTER 7 ENVIRONMENTAL REGULATIONS</b>		
<b>9-7-1 Applicability</b>	Defines how to determine whether the watershed protection requirements apply to a particular property and allows for exemptions	This material will be relocated to the section on Watershed Protection in Article 9-6, Environmental Standards.

## SECTION-BY-SECTION ANALYSIS OF CURRENT DEVELOPMENT ORDINANCE

SECTION NUMBER AND NAME	DESCRIPTION	POTENTIAL DISPOSITION IN UPDATED UNIFIED DEVELOPMENT ORDINANCE (ORDINANCE)
<b>9-7-2 Incorporation Of Watershed Maps</b>	Incorporates the watershed map by reference	This section will be relocated to the official zoning map section in Article 9-1, General Provisions.
<b>9-7-3 Protection Of Fragile Areas</b>	Details protection strategies like land disturbance minimization, floodplain protection, surface water buffers, slope and buffer protection, and additional protection in watershed critical areas	This material will be relocated to the section on Watershed Protection in Article 9-6, Environmental Standards. Any changes related to stream buffers or other provisions will be incorporated, otherwise, no substantive changes are proposed.
<b>9-7-4 Low Impact Design</b>	Outlines the major goals and objectives of the low impact design measures in High Point	
<b>9-7-5 General Standards And Restrictions</b>	Outlines general standards and restrictions based on density and intensity, details methods of stormwater control, and outlines requirements for participation in a regional stormwater control program and construction of improvements	
<b>9-7-6 Water Supply Overlay District Description And Boundaries</b>	Establishes the watershed critical area overlay district and the general watershed area overlay district	
<b>9-7-7 General Watershed Area Overlay (GWA) Standards And Restrictions</b>	Defines the spill risk reduction requirements and built-upon area limits for the general watershed area overlay district	Relocate this material to the overlay districts section in Article 9-3, Zoning Districts. Consolidate the GWA and the WCA into a single overlay (but retain critical area designations on the watershed zoning map). Include minor revisions for greater clarity, but no substantive change is proposed.
<b>9-7-8 Watershed Critical Area Overlay District (WCA) Standards And Restrictions</b>	Defines the requirements of the watershed critical area overlay district standards and restrictions	
<b>9-7-9 Individual Water Supply Watersheds</b>	Defines specific requirements for Oak Hollow Lake, City Lake, Oakdale Reservoir, Randleman Reservoir and Uwharrie (Lake Reece)	
<b>9-7-10 Watersheds Accounting</b>	Establishes the Randleman Lake GWA built-upon area limits and requires the enforcement officer to keep a record of all watershed variances.	
<b>9-7-11 General Provisions</b>	Sets out general provisions for soil erosion and sedimentation control, also includes basic requirements, basic objectives and various design and performance standards and defines when the provisions are applicable	Relocate this procedural material to the Land Disturbing Permit procedure in Article 9-2, Administration.
<b>9-7-16 Flood Damage Prevention Regulations</b>	Details floodplain development application, permit and certification requirements, corrective procedures, variance procedures and provisions for flood hazard reduction	The material related to a flood plain development permit is relocated to the individual procedures portion of Article 9-2, Administration. The development standards would be relocated to the section on Flood Hazard Areas in Article 9-6 Environmental Standards.
<b>9-7-21 Donation Provisions (for greenways)</b>	Defines how land donated to and accepted by the City of High Point in fee-simple will be treated with regards to density credits and setbacks	Relocate these provisions to the Open Space Standards section in Article 9-5, Development Standards.
<b>9-7-26 General Provisions (hazardous &amp; toxic substances)</b>	Outlines applicability, generator regulations, handler regulations, procedures for request for hazardous or toxic substance handler special use permits, revocation of hazardous or toxic substance special use permit, liability, bonding and privilege licenses	Relocate this material to the section on Hazardous and Toxic Substance Standards in Article 9-6, Environmental Standards. Include a cross reference in the use standards portion of Article 9-4, Use Standards, that requires hazardous or toxic substance generators or handlers to comply with the standards in this section.

## SECTION-BY-SECTION ANALYSIS OF CURRENT DEVELOPMENT ORDINANCE

SECTION NUMBER AND NAME	DESCRIPTION	POTENTIAL DISPOSITION IN UPDATED UNIFIED DEVELOPMENT ORDINANCE (ORDINANCE)
9-7-31 Applicability (city tree conservation)	Establishes the jurisdiction of the ordinance and the rights of the city to plant, prune, maintain and remove any tree, plant or shrub on city owned or controlled property	This material will be relocated to the Tree Protection Standards in Article 9-5, Development Standards.
9-7-32 Tree Maintenance And Protection (city tree conservation)	Outlines requirements on tree topping, removal of damaged or infested trees, unauthorized removal or damage, and protection during construction	
9-7-33 Tree Planting, Pruning And Removal	Requires prior authorization with certain exemptions and waivers	
9-7-34 Guidelines And Standards For Tree Planting, Pruning And Removal	Authorizes the Urban Forestry Committee to develop, adopt and maintain guidelines and specifications for tree plantings, and standards and practices for tree conservation and maintenance	
9-7-35 Appeals	Establishes an appeals process	
CHAPTER 8 ENFORCEMENT		
9-8-1 Violations	Defines violations as development with permit, development inconsistent with permit, violation by act or omission, use in violation, subdivide in violation, and continue a violation	Relocate this material to Article 9-9, Enforcement, and supplement with all other ordinance violations.
9-8-2 Inspections And Investigations	Empowers the enforcement officer to conduct inspections, conduct investigations, and require written statements, certificates, certifications, or the filing of reports.	Relocate to the General Enforcement Provisions section in Article 9-9, Enforcement.
9-8-3 Enforcement Procedure	Outlines the notice, appeal, and decision process	
9-8-4 Remedies	Allows any or all of the following to be used to enforce the ordinance: injunction, civil penalties, denial or permit or certificate, conditional permit or temporary certificate, stop work orders, revocation of permits, criminal penalties	Relocate to the Remedies and Penalties section in Article 9-9, Enforcement, and ensure all amounts are consistent with state standards.
9-8-5 Civil Penalties – Assessment And Procedures	Establishes procedure for civil penalties	
9-8-6 Civil Penalties – Soil Erosion And Sedimentation Control	Establishes specific civil procedures and penalties for soil erosion and sediment control issues	Relocate to the Soil Erosion and Sedimentation Enforcement section in Article 9-9, Enforcement.
9-8-7 Criminal Penalty – Soil Erosion And Sedimentation Control	Establishes criminal penalties for soil erosion and sediment control issues	
9-8-8 Injunctive Relief – Soil Erosion And Sedimentation Control	Outlines when the City Council may seek injunctive relief for soil and sediment control issues	
9-8-9 Other Powers And Action	Affirms the City Council may exercise any and all enforcement powers granted to it by state law or common law and that nothing in the ordinance shall prohibit the continuation of previous enforcement actions	Relocate to the Remedies and Penalties section in Article 9-9, Enforcement, and ensure all amounts are consistent with state standards.
9-8-10 Remedies – Cumulative And Continuous	Affirms that all remedies shall be cumulative and defines a continuous violation as a repeat violation within a two year period	
CHAPTER 9 ADMINISTRATION		
9-9-1 Administrative Procedures	Outlines general, notice, organization, alternate member, term, absence and attendance, and compensation procedures	Relocate the notice material to the section on Common Review Procedures and the general decision-making body information to a new section in Article 9-2, Administration.
9-9-2 The Planning And Zoning Commission	Establishes the Planning and Zoning Commission pursuant to state law and describes its membership, officers, and powers and duties	Relocate this material to the section on the Planning and Zoning Commission in Article 9-2, Administration. Adjust the responsibilities for consistency with Part III, <i>Annotated Outline</i> .

**PART 4: APPENDICES****APPENDIX C: SECTION-BY-SECTION ANALYSIS OF CURRENT CODE****SECTION-BY-SECTION ANALYSIS OF CURRENT DEVELOPMENT ORDINANCE**

SECTION NUMBER AND NAME	DESCRIPTION	POTENTIAL DISPOSITION IN UPDATED UNIFIED DEVELOPMENT ORDINANCE (ORDINANCE)
<b>9-9-3 Technical Review Committee</b>	Establishes the Technical Review Committee and describes its membership, officers, powers and duties	Relocate this material to the section on the Technical Review Committee in Article 9-2, Administration. Adjust the responsibilities for consistency with Part III, <i>Annotated Outline</i> .
<b>9-9-5 Historic Preservation Commission</b>	Establishes the Historic Preservation Commission and describes its membership, officers, powers and duties	Relocate this material to the section on the Historic Preservation Commission in Article 9-2, Administration.
<b>9-9-6 Board Of Adjustment</b>	Establishes the Board of Adjustment and describes its membership, officers, powers and duties	Relocate this material to the section on the Planning and Zoning Commission in Article 9-2, Administration. Adjust the responsibilities for consistency with Part III, <i>Annotated Outline</i> . Material related to the individual appeal, variance, and special exception procedures will be relocated to the appropriate individual permit procedure section in Article 9-2, Administration
<b>9-9-7 Urban Forestry Committee</b>	Establishes the Urban Forestry Committee and describes its membership, officers, powers and duties	The Urban Forestry Committee will continue to deal with trees on public lands in the new code.
<b>9-9-9 Enforcement Officer</b>	Creates the Enforcement Officer and describes its duties	Relocate this material to the section on the City Staff in Article 9-2, Administration. Adjust the responsibilities for consistency with Part III, <i>Annotated Outline</i> .
<b>9-9-10 Modifications</b>	Authorizes the Technical Review Committee to approve modifications to standards under certain conditions	Replace with the proposed Administrative Adjustment process and relocate to the review procedures section in Article 9-2, Administration.
<b>9-9-11 Watershed Variance</b>	Outlines procedure and conditions for a watershed variance	Relocate to the Variance section in Article 9-2, Administration.
<b>9-9-12 Appeals</b>	Outlines procedure for appeals	Relocate to the review procedures section in Article 9-2, Administration.

## APPENDIX D: ZONING DISTRICT SUMMARY EXAMPLE

This is an example of how key zoning district information could be displayed in the new development ordinance. The page includes textual detail on the district intent, photographic examples of typical development, typical lotting patterns, and graphic and tabular depictions of dimensional standards.

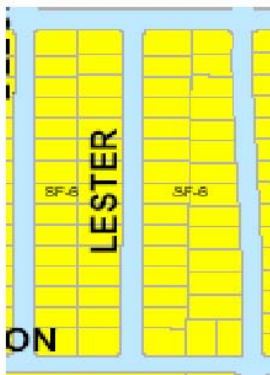
### RS-1

#### Single-Family Residential District Summary

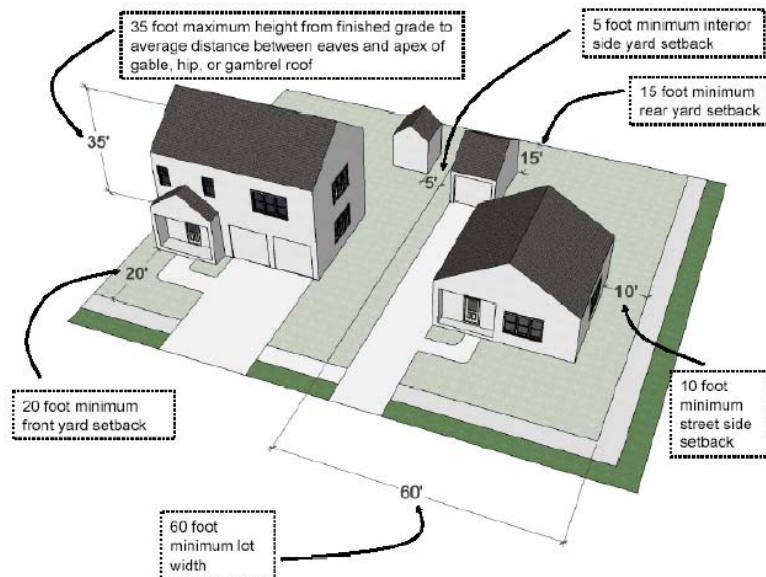
The RS-1 district is intended to promote and encourage the construction of and continued use of land for single-family dwellings with a greater density than the RE district but a lesser density than the RS-2 district. The district prohibits commercial, office, and industrial uses or any other use that would substantially interfere with the development or continuation of single-family dwellings in the district.



Typical single-family residential structure in the RS-1 zone district.



Typical development pattern in the RS-1 zone district.



Single-Family Detached Residential								
RS-1	Min. Lot Area (sq ft)	Min. Lot Width (ft)	Max Lot Coverage (%)	Setbacks (ft)				Max Height (ft)
				Front	Interior Side	Rear	Street Side	
	6,000	60	50	20	5	15	10	35